

2009
**Uniform Disposition of
Unclaimed Property Act
Reporting Forms & Instructions**

David H. Lillard, Jr., Treasurer
State of Tennessee



Report and Remittance
Due by May 1, 2009

*Send Detail on CD or Diskette
Details and Instructions Inside*

www.tn.gov/treasury/unclaim

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Department of Treasury;
Authorization #309228;
Web-Based; January, 2009.
This public document was
produced at a cost of \$172.00.

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QUICK TIPS

Two sets of report forms, cover letters and instructions are included in this package. One set is for unclaimed safe deposit box contents and the other set is for all other property types.

Make Checks Payable To:	Treasurer State of Tennessee Reference Unclaimed Property on your check. Include your FEIN on your check.	
Mail Reports with Checks To:	<u>Regular Mail</u> Treasury Department Unclaimed Property Division or P.O. Box 198649 Nashville, TN 37219-8649	<u>Courier Service Only</u> Treasury Department Unclaimed Property Division 502 Deaderick Street Nashville, TN 37243-0203
ACH and Wire Payments	Accepted upon prior approval. Contact our office at 615-253-5362 for approval and instructions.	
Stock Registration and Delivery	Music City and Company FEIN 30-0187547 Delivery DTC. See additional instructions on page 4.	
Dividend Reinvestment Plans	See detailed instructions on page 4.	
Mutual Fund Registration and Delivery	Treasury State of Tennessee FEIN 62-6001445 See additional instructions on page 4.	
Safe Deposit Boxes	See detailed instructions on page 16.	
Remit and Report Due Date	May 1 For all property presumed abandoned as of December 31.	
Electronic Reporting	Required in NAUPA format for reports with 20 or more owners. State specific Encryption required. See additional instructions on page 5.	
Aggregate Instructions	Due diligence is required for all properties \$50 and above. Please provide owner detail information on properties under \$50.	
Due Diligence	Required 60 to 120 days prior to submission. Costs may NOT be charged to the owner's account. See additional instructions on page 6.	
Business to Business	Not Exempted. See T.C.A., Section 66-29-104(3)(C). May be deferred until the business relationship ends.	
Reciprocal Reporting	Allowed only for incidental property with prior approval. Incidental property is defined as 10 or fewer owners with a total value of \$1,000 or less.	
Negative Reports	Not required at this time.	
Notarized Signature Required	CFO notarized signature required.	
Penalties	See detailed instructions on page 12.	

SECURITY DELIVERY INSTRUCTIONS AS OF CURRENT DATE

NOMINEE	TAX ID #	INSTRUCTIONS
DTC Eligible Securities	Music City & Co. 30-0187547	Advance notice REQUIRED. Notify custodian 48 hours prior to transfer at 617-722-9654 or 617-722-9657. Fax transactions details to 617-722-9660. Send confirmation of transfer with your report. Transfers not preapproved will be reversed. DTC account specifics are: DTC Participant # 0954 Agent Bank # 26017 Mellon Bank/Account # AUZF0316702
Physical Certificates (only use if DTC is not an option)	Music City & Co. 30-0187547	Physical certificates will be returned if DTC eligible. If not DTC eligible send physical certificate with holder report to: P.O. Box 198649 Nashville, TN 37219-8649
Dividend Reinvestment Plan, Direct Investments, & Book Entry	N/A N/A	NOT ACCEPTED. Your report will be considered late until your shares are received correctly. Send all securities DTC per above. If not DTC eligible send physical certificate per instructions above. Remit cash-in-lieu for fractional shares for each owner.
Mutual Funds	Treasurer State of Tennessee Unclaimed Property Division 62-6001445	Use existing account if exists. Set-up all accounts to pay cash dividends. Do NOT transfer securities into our account until you send us your report. Send a statement or confirmation with your report to: P.O. Box 198649 Nashville, TN 37219-8649
Fed Book Entry		Advance notice REQUIRED. Notify custodian 48 hours prior to transfer at 617-722-9654 or 617-722-9657. Fax transactions details to 617-722-9660. Send confirmation of transfer with your report. Transfers not preapproved will be reversed. Account specifics are: Federal Reserve Bank of New York ABA # 0210-0001-8 Bank of NYC/Trust (AUZF0316702) For: State of Tennessee
Worthless	N/A N/A	Do NOT transfer. Hold all securities until they have value.

OUTDATED NOMINEE NAME AND FEDERAL TAX ID#

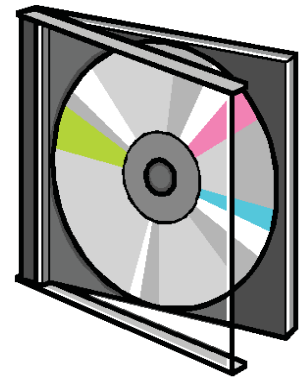
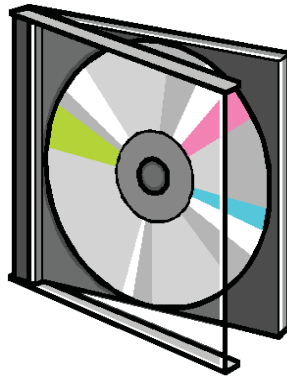
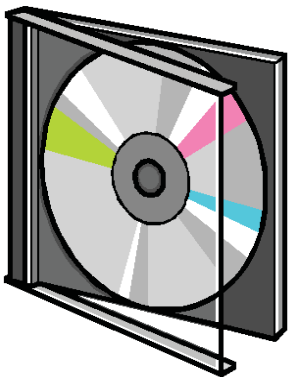
- Review existing accounts
- Verify that the registration is current
- Correct/change any outdated registration
- Send statements to Tennessee on a regular basis

<u>Outdated Nominee Name</u>	<u>Outdated Tax ID #</u>
Memphis & Co.	16-1588828
Nashville & Co.	04-3245167
	69-0630001
	60-0630001

Reporting Help: (615) 253-5362

ELECTRONIC REPORTING

- If you have 20 or more owners to report, you **MUST** file the report electronically.
- That file **MUST** be in the NAUPA accepted format.
- You have several options to create your NAUPA accepted format:
 - Create it yourself. You can go to our website at www.tn.gov/treasury/unclaim to download the specifications.
 - Use our **FREE** software. You can go to our website at www.tn.gov/treasury/unclaim to download our software and instructions. You will have to key your data into this software which would then create a NAUPA accepted file.
 - Purchase software from other vendors. There are several products on the market that can help you track and create you NAUPA accepted file.
- **ENCRYPTION.** Your report **MUST** be encrypted with our encryption method. All reports not encrypted within our specifications will be returned, and if a corrected file is not sent to us in time your report will be considered late and may be subject to penalties.
 - Go to our website at www.tn.gov/treasury/unclaim to download our free encryption tool.
 - If you created our file using HRS Pro, your file will automatically be encrypted within our specifications.
 - If you use a third party vendor to create your file, please check with them to see if they obtained our encryption method. If not, you can use the free encryption tool above after you have created your file.



DUE DILIGENCE

- Required for each owner with an account balance of \$50 or greater.
- Due diligence consists of mailing a first class letter to the owner.
- The purpose of the letter is to give the owner the opportunity to collect the funds from you and relieve you of the liability to have to report and remit the funds to the Unclaimed Property Division.
- You **MUST** wait at least 60 days after you send the letters to the owners before you send in your report to the Unclaimed Property Division. **Note:** You are still required to submit your report by May 1.
- You can not wait any longer than 120 days from the time you send the letters to the owners to the time you send in your report to the Unclaimed Property Division.
- It is in your company's best interest to return the funds to the owner rather than turn the funds over to the Division of Unclaimed Property. Owners that are still customers or employees of yours tend to get upset when their funds are turned over to the Division of Unclaimed Property.
- You may be subject to penalties if you do not comply with the due diligence requirements.



IMPORTANT: You may NOT charge or deduct a fee from the owners account to perform the due diligence. If you use a vendor to perform your due diligence, make sure they are not charging a fee to the owner. If a vendor does charge or deducts a fee, then it does not constitute your requirement of due diligence and you may be subject to penalties.

SAMPLE DUE DILIGENCE

Below is a sample Due Diligence Letter. If you use a format different than below, you must ensure that you include your company's name, address, and phone number where the owner may contact to claim their property.

ABC Corporation 1st Avenue South Big City, US 99999-9999 (123) 555-1234	
January 1, 2007	
Owner Name 1234 Any Road St. N Any Town, US 99999-9999	Account #: xxxx Balance: \$xxx.xx
Dear Owner Name:	
We are holding unclaimed property of at least \$50 due to the person listed above. The owner may claim this property by contacting us at the address and/or telephone number listed below.	
ABC Corporation 1st Avenue South Big City, US 99999-9999 (123) 555-1234	
If we do not hear from the owner by (the last date your system can remove items for refund before reporting to the state), the law requires us to submit this property to the Tennessee Treasury Department Unclaimed Property Division.	
Sincerely,	
I.M. HELPFUL ABC Company	

Remember, you are required to wait 60 days after you mail the due diligence letter before you send the funds to the state. If an owner comes forward within those 60 days, you are required to return the funds to the owner.

REPORTING MADE SIMPLE.

If you return the property to your customers, you will not have to report that record.



DORMANCY PERIODS	
PROPERTY TYPE	PERIOD
LIQUIDATIONS	1 YEAR
WAGES, WAGE-RELATED EXPENSE CHECKS	1 YEAR
FEES FOR PROFESSIONAL SERVICES AND COMMISSIONS	1 YEAR
STATE AND LOCAL GOVERNMENTS	1 YEAR
SAFE DEPOSIT BOXES (NOT FINANCIAL INSTITUTIONS)	2 YEARS
UTILITY DEPOSITS & REFUNDS	2 YEARS
GIFT CERTIFICATES	2 YEARS
DEMUTUALIZED SHARES	3 YEARS
DIVIDENDS	3 YEARS
STOCK / SHARES	3 YEARS
SAFE DEPOSIT BOXES (FINANCIAL INSTITUTIONS)	4 YEARS
CASHIER CHECKS	5 YEARS
CASUALTY INSURANCE	5 YEARS
CERTIFIED CHECKS	5 YEARS
CHECKING ACCOUNTS	5 YEARS
FIDUCIARIES	5 YEARS
LIFE INSURANCE	5 YEARS
SAVINGS ACCOUNTS	5 YEARS
VENDOR CHECKS / BUSINESS EXPENSE CHECKS	5 YEARS
MONEY ORDERS	7 YEARS
TRAVELER'S CHECKS	15 YEARS
ALL OTHER PROPERTY NOT LISTED ABOVE	5 YEARS

RELATIONSHIP CODES			
CODE	DESCRIPTION	CODE	DESCRIPTION
AD	ADMINISTRATOR	TE	AS TRUSTEE FOR
AF	ATTORNEY FOR	EX	EXECUTOR OR EXECUTRIX
AG	AGENT FOR	JT	JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP
AN	AND	JC	JOINT TENANTS IN COMMON
BF	BENEFICIARY	PA	PAYEE
OR	OR	PO	POWER OF ATTORNEY
AO	AND/OR	RE	REMITTER
CC	CO-CONSERVATOR	UG	UNIFORM GIFT MINORS ACT "UGMA"
CF	CUSTODIAN FOR	GR	GUARDIAN FOR
CN	CONSERVATOR	IO	INDIVIDUAL OWNER
FB	FOR BENEFIT OF	PD	PAY ON DEATH - POD
IN	INSURED	UW	UNDER THE WILL OF

NAUPA PROPERTY TYPE CODES

CODE	DESCRIPTION	CODE	DESCRIPTION
AC01	CHECKING ACCOUNTS	MS06	UNIDENTIFIED REMITTANCES
AC02	SAVINGS ACCOUNTS	MS07	UNREFUNDED OVERCHARGES
AC03	MATURED CD OR SAV CERT	MS08	ACCOUNTS PAYABLE
AC04	CHRISTMAS CLUB FUNDS	MS09	CREDIT BALANCES—ACCTS. REC.
AC05	MONEY ON DEP TO SECURE FUND	MS10	DISCOUNTS DUE
AC06	SECURITY DEPOSITS	MS11	REFUNDS DUE
AC07	UNIDENTIFIED DEPOSITS	MS12	UNREDEEMED GIFT CERTIFICATES
AC08	SUSPENSE ACCOUNTS	MS13	UNCLAIMED LOAN COLLATERAL
AC99	AGGREGATE ACCOUNT BALANCES UNDER \$50.00	MS14	PENSION & PROFIT SHARE PLANS (IRA, KEOGH)
CK01	CASHIER'S CHECKS	MS15	DISSOLUTION OR LIQUIDATION
CK02	CERTIFIED CHECKS	MS16	MISC OUTSTANDING CHECKS
CK03	REGISTERED CHECKS	MS17	MISC INTANGIBLE PROP
CK04	TREASURER'S CHECKS	MS18	SUSPENSE LIABILITIES
CK05	DRAFTS	MS19	CREDIT MEMOS
CK06	WARRANTS	MS99	AGGREGATE MISC PROPERTY UNDER \$50.00
CK07	MONEY ORDERS	SC01	DIVIDENDS
CK08	TRAVELER'S CHECKS	SC02	INTEREST (BOND COUPONS)
CK09	FOREIGN EXCHANGE CHECKS	SC03	PRINCIPAL PAYMENTS
CK10	EXPENSE CHECKS	SC04	EQUITY PAYMENTS
CK11	PENSION CHECKS	SC05	PROFITS FROM STOCKS/BONDS
CK12	CREDIT CHECKS OR MEMOS	SC06	FUNDS PD TO PURCHASE SHARES
CK13	VENDOR CHECKS	SC07	FUNDS FOR STOCKS & BONDS
CK14	CHECKS WRITTEN OFF TO INCOME	SC08	SHARES OF STOCK (RETURNED BY POST OFFICE)
CK15	OTHER OUTSTANDING OFFICIAL CHECKS	SC09	CASH FOR FRACTIONAL SHARES
CK16	CD INTEREST CHECKS	SC10	UNEXCHANGED STOCK OF SUCCESSOR CORP
CK99	AGGREGATE UNCASHED CHECKS UNDER \$50.00	SC11	OTHER CERT OF OWNERSHIP
CT01	ESCROW FUNDS	SC12	UNDERLYING SHARES OR OTHER OUTSTANDING CERTIFICATES
CT02	CONDEMNATION AWARDS	SC13	FUNDS FOR LIQUIDATION/REDEMPTION OF UNSURENDERED STOCK OR BONDS
CT03	MISSING HEIRS' FUNDS	SC14	DEBENTURES
CT04	SUSPENSE ACCOUNTS	SC15	US GOVT SECURITIES
CT05	OTHER COURT DEPOSITS	SC16	MUTUAL FUND SHARES
CT99	AGGREGATE COURT DEPOSITS UNDER \$50.00	SC17	WARRANTS (RIGHTS)
IN01	INDIVIDUAL POLICY BENEFITS OR CLAIM PAYMENTS	SC18	MATURED BOND PRINCIPAL
IN02	GROUP POLICY BENEFITS OR CLAIM PAYMENTS	SC19	DIVIDEND REINVESTMENT PLANS
IN03	PROCEEDS DUE BENEFICIARIES	SC20	CREDIT BALANCES
IN04	PROCEEDS FROM MATURED POLICIES, ENDOWMENTS OR ANNUITIES	SC99	AGGREGATE SECURITY RELATED CASH UNDER \$50.00
IN05	PREMIUM REFUNDS	SD01	SD BOX CONTENTS
IN06	UNIDENTIFIED REMITTANCES	SD02	OTHER SAFEKEEPING
IN07	OTHER AMOUNTS DUE UNDER POLICY TERMS	SD03	OTHER TANGIBLE PROPERTY
IN08	AGENT CREDIT BALANCES	TR01	PAYING AGENT ACCOUNTS
IN99	AGGREGATE INSURANCE PROPERTY UNDER \$50.00	TR02	UNDELIVERED OR UNCASHED DIVIDENDS
MI01	NET REVENUE INTEREST	TR03	FUNDS HELD IN FIDUCIARY CAPACITY
MI02	ROYALTIES	TR04	ESCROW ACCOUNTS
MI03	OVERRIDING ROYALTIES	TR05	TRUST VOUCHERS
MI04	PRODUCTION PAYMENTS	TR06	PRE-NEED FUNERAL PLANS
MI05	WORKING INTEREST	TR99	AGGREGATE TRUST PROPERTY UNDER \$50.00
MI06	BONUSES	UT01	UTILITY DEPOSITS
MI07	DELAY RENTALS	UT02	UTILITY MEMBERSHIP FEES
MI08	SHUT-IN ROYALTIES	UT03	UTILITY REFUNDS OR REBATES
MI09	MINIMUM ROYALTIES	UT04	CAPITAL CREDIT DISTRIBUTIONS
MI99	AGGREGATE MINERAL INTERESTS UNDER \$50.00	UT99	AGGREGATE UTILITY PROPERTY UNDER \$50.00
MS01	WAGES, PAYROLL, SALARY	ZZZ	PROPERTIES NOT IDENTIFIED ABOVE
MS02	COMMISSIONS		
MS03	WORKERS' COMPENSATION BENEFITS		
MS04	PAYMENT FOR GOODS & SERVICES		
MS05	CUSTOMER OVERPAYMENTS		

GIFT CERTIFICATES / GIFT CARDS

IMPORTANT ASPECTS OF TENNESSEE'S GIFT CERTIFICATE LAWS

T.C.A., Section 66-29-135: Unclaimed Property Law

The treatment of gift certificates is dependent on when the gift certificate was issued.

- Issued prior to 1997
 - ◆ Reportable at the full face value.
 - ◆ Past due and may be subject to penalty.
- Issued after December 31, 1996
 - ◆ Gift certificates redeemable for merchandise only are reportable at 60% of face value.
 - ◆ If redeemable in cash, the gift certificates are reportable at full face value.
 - ◆ The gift certificate is due to be reported the earlier of:
 - The expiration date of the gift certificate; or
 - Two (2) years from the date the certificate was issued.
- Issued after December 31, 1998
 - ◆ The gift certificate may be exempted if there is NO dormancy fee AND:
 - Conspicuously states that the gift certificate does not expire;
 - Bears no expiration date; or
 - States that a date of expiration printed on the gift certificate is not applicable in Tennessee.

T.C.A., Section 47-18-127: Consumer Protection Act

This law was effective as of July 1, 2006.

- Gift certificate may NOT have an expiration date less than 2 years
- May NOT charge fee to issue gift certificate.
- May NOT charge fees within the first 2 years.
- If there is no expiration date on the gift certificate, then is valid until redeemed or replaced with new gift certificate.
- Exemptions
 - ◆ Given as an award, loyalty, or promotional program without any money or anything of value in exchange.
 - ◆ Sold below face value to employers, nonprofit, or charitable organizations for fundraising purposes.
 - ◆ Sold by a nonprofit or charitable organization for fundraising purposes.
 - ◆ Given to employee to be limited to the employer's business establishment.
 - ◆ Useable with multiple, unaffiliated sellers of goods or services.
 - ◆ Given to employee in recognition of services performed.
 - ◆ Does not include prepaid calling cards.

CASHIER'S CHECKS

INCLUDES CERTIFIED CHECKS AND MONEY ORDERS

- Typically, we receive the funds from these instruments from financial institutions.
- There will be a remitter (purchaser) and payee for each check.
- We must receive as much information as possible for both the remitter and the payee.
- Due to the nature of this instrument, the state will not know if the correct owner of these funds belongs to the remitter or payee. If both names are not provided, the state will have to contact you back. To avoid extra work later, please provide all necessary information to help us pay the correct owner.

TRAVELER'S CHECKS

- Due to the nature of these instruments the owner will not be known at the time the funds are turned over to the state.
- Typically the institution the issued these checks will claim the funds back from the state when the original traveler's check has been cashed.
- These items may no longer be reported in the aggregate. We must receive the serial number and amount for each traveler's check in the proper NAUPA file format.
- Our ability to reimburse you will be dependent on your compliance with reporting these funds.



STATE OF TENNESSEE•TREASURY DEPARTMENT
Unclaimed Property Division
P.O. Box 198649•Nashville, Tennessee 37219-8649•(615) 253-5362
www.tn.gov/treasury/unclaim

PENALTY CALCULATION SHEET

The purpose of this form is to facilitate the calculations of penalty provided by law. Penalties are assessed in addition to property due to missing owners. You may be requested to complete this form if your report arrives after the due date of May 1.

Tennessee Code Annotated, Section 66-29-129 addresses failure to perform reporting duties in part (a), failure to remit in part (b)(1) and assessing the cost of identifying or collecting property through a third party auditor in T.C.A. 66-29-129(b)(2).

PART I Penalty for Failure to Perform Reporting Duties

- 1 Enter number of days not reported _____ X \$25 per day. 1 _____
or
2 Enter number of years not reported _____ X \$1,000 per year. 2 _____
3 Enter the lesser of line 1 or 2. (Enter this amount on Line F of 3 _____
Cover Letter Verification and Affidavit as penalty for failure to report.)

PART II Penalty for Failure to Pay

- 4 Value of securities not reported on time 4 _____
5 Cash not reported on time 5 _____
6 Add lines 4 and 5 (Subtotal delinquent property) 6 _____

7 Multiply line 6 by 10% for 1st year not reported 7 _____
8 Multiply line 6 by 10% for 2nd year not reported 8 _____
9 Multiply line 6 by 5% for 3rd year not reported 9 _____
10 Add lines 7, 8, & 9 10 _____
11 Enter the lesser of line 10 or \$50,000*. (Enter this amount 11 _____
on Line F of the Cover Letter Verification and Affidavit
as penalty for failure to remit by May 1st.)

*If collected or identified through third party auditor, penalty may exceed \$50,000. See T.C.A. § 66-29 129. Penalty is the greater of line 11 or third party agent exam fee. If an additional assessment is due, you will be notified.

Provide this form if report arrives after May 1.



STATE OF TENNESSEE ♦ TREASURY DEPARTMENT

Unclaimed Property Division

P.O. Box 198649 • Nashville, Tennessee 37219-8649 • (615) 253-5362

UCP.holders@state.tn.us • www.tn.gov/treasury/unclaim

I. COVER LETTER

VERIFICATION & AFFIDAVIT OF ITEMS FOR YEAR ENDED DECEMBER 31, 20____

A. Holder # _____ Report # (required if E-mail, ACH or Wire) _____

Indicate Changes to Name or Address Below

Name _____

Address _____

Type name and address or use pre-printed form.

E-Mail _____ State of Incorporation _____

Fed Tax ID # _____ Date of Incorporation _____

Name of contact person or department designated to respond to unclaimed property inquiries:

Name _____

Telephone _____

E-mail _____

B. Type of company (see Reporting Instructions for list): _____

C. Type of report: ☐ Annual ☐ Negative (No property to report.)

D. Method of reporting: ☐ Diskette or CD ☐ E-Mail ☐ Paper

E. Total properties reported: _____

F. Cash Property: \$ _____ Penalty failure to report by May 1st: \$ _____ Penalty failure to remit by May 1st: \$ _____

G. Total cash remitted (make check payable to "Treasurer State of Tennessee"): \$ _____

H. Payment method: ☐ Check ☐ ACH ☐ Wire Check, Wire or ACH No. _____ DFI No. _____

I. Delivery and registration of shares remitted: (see instructions)

J. Total number of DTC book entry shares remitted: _____

K. Total number of physical securities remitted: _____

L. Total number of mutual fund shares remitted: _____

M. Total number of shares transferred: _____

N. Enclose confirmation of delivery of shares and mutual fund statements. _____

O. Indicate if you have safe deposit box contents to report: ☐ No ☐ Yes (see instructions)

P. VERIFICATION AND AFFIDAVIT: The undersigned, _____, declares, under penalty of perjury, that, to the best of (his/her) knowledge, the foregoing report and supporting records, contain a full, true and complete report of unclaimed property now in the possession or under the control of the holder, which is presumed abandoned in accordance with the provisions of Tennessee Code Annotated, Sections 66-29-101 through 66-29-153. **I have attempted to contact property owners at their last known address by first-class mail not more than one hundred twenty days and no less than sixty days prior to the filing date of the report. I am duly authorized to attest to this.**

Date _____

Signature of Chief Financial Officer (TCA 66-29-113(f)(g))

State of _____

Title _____ Telephone Number _____

City/County _____

SEAL (required)

Subscribed and sworn to before me this _____ day of _____ 20____

Notary Public _____

STATE OF TENNESSEE
TREASURY DEPARTMENT

REPORT DATE _____
FOR YEAR ENDED _____

II. ANNUAL REPORT
OF UNCLAIMED PROPERTY

FEDERAL EMPLOYER
ID NUMBER _____

HOLDER NAME _____

HOLDER NUMBER _____

Owner's Last Name, First Name, Middle Name, Title Owner's Last Known Street Address, City, State, Zip (1)	Relationship Between Owners (If Applicable) (2)	SSN/FEIN (3)	Property Type (4)	Cash Amount Remitted (5)	Interest Rate (6)	Security Name or Name of Mutual Fund (7)	Security Cusip Number (8)	Number of Shares Remitted (9)	Date of Last Activity and Additional Information (i.e., DOB) (10)
(11) Remit Total				\$					

(12) PAGE NO. _____ OF _____

NUMBER OF PROPERTIES _____

PAGE TOTAL \$ _____

TENNESSEE UNCLAIMED PROPERTY REPORTING INSTRUCTIONS

(NOT FOR TANGIBLE OR SAFE DEPOSIT BOX CONTENTS. SEE SEPARATE FORM.)

COVER LETTER – VERIFICATION & AFFIDAVIT INSTRUCTIONS

Use the preprinted form that was mailed to you at the beginning of the year. If you do not receive one or lost it fill out the form in this book.

- A. HOLDER'S NAME AND ADDRESS:** If you are using the preprinted form sent to you make any corrections, otherwise complete all items. It is important that we have a good contact your Unclaimed Property Report.
- B. TYPE OF COMPANY:** Select the category which best describes your company: State Agency, Bank, Audit Entity, Estate, Finance & Mortgages, Hospitals & Health Care, Insurance Company – Life, Insurance Company – Casualty, Natural Resources, Corporation, Municipality & County, Retailer, Transportation, College & University, Utility, Services, Stock Broker & Mutual Fund, Transfer Agent & Securities, Manufacturing, Hospitality & Hotel, Payroll or Benefit Services, CPA & Other Professionals, Associations & Industry Groups, Media, Restaurant & Food Services.
- C. TYPE OF REPORT:**
 - Annual – This is your required report due May 1st.
 - Negative – Positive confirmation that you have nothing to report.
- D. METHOD OF REPORTING:** Select the media you are using to report. You must contact our office and make prior arrangements to E-Mail your report.
- E. TOTAL PROPERTIES REPORTED:** Insert the total number of properties listed on your report. This includes cash and securities.
- F. CASH PROPERTY:** Break down of total cash property and any penalties that may be due. See Penalty Calculation Sheet.
- G. TOTAL CASH REMITTED:** Total amount of the check or wire. Make check payable to Treasurer State of Tennessee. Include your Federal Employer ID number.
- H. PAYMENT METHOD:** Select payment method. For ACH or Wire contact our office at 615-253-5362 for prior approval and instructions.
- I. SECURITY REGISTRATION AND DELIVERY INSTRUCTIONS:** See Security Delivery Instructions.
- J. TOTAL SHARES SENT DTC:** List total amount of shares transferred DTC.
- K. TOTAL SHARES SENT PHYSICAL:** List total amount of physical shares sent with report.
- L. TOTAL MUTUAL FUND SHARES:** List total amount of mutual fund shares transferred to our account.
- M. TOTAL OF ALL SECURITIES:** List total amount of all securities delivered.
- N. CONFIRMATION OF SECURITIES DELIVERED:** Send with report confirmation of any securities transferred.
- O. TANGIBLE AND SAFE DEPOSIT BOX CONTENTS:** Indicate if you have tangible or safe deposit box contents to report on a separate form.
- P. VERIFICATION AND AFFIDAVIT:** Form must be signed and notarized by CFO or other comparable position.

SAFE DEPOSIT BOX CONTENTS

- If you have safe deposit box contents or other tangible items, do NOT include these with your required annual report. You MUST report these items separately.
- Unlike your required annual report, safe deposit box contents or other tangible items are NOT remitted to the Division of Unclaimed Property at the time the report is filed (See T.C.A., Section 45-2-907 and Rule 1700-2-1-.37 for exceptions).
- Your initial report must still be in the electronic NAUPA accepted format if you have 20 or more owners.
- Once we receive your initial report, we will attempt to locate the missing owners. If we are successful, we will have them contact you. This will allow you to collect any unpaid rent or drilling fees prior to turning over the contents of the safe deposit box.
- After a minimum of one (1) year, when the Division of Unclaimed Property received your initial report of safe deposit box contents, you may dispose or auction the contents.
- Any additional funds due the owner are reportable to the Division of Unclaimed Property in your disposition report (See T.C.A., Section 45-2-907 and Rule 1700-2-1-.37 for applicable fees and charges that may be deducted).
- You must use the unique report for the final disposition of safe deposit box contents. The report and funds are required to be remitted to the Division of Unclaimed Property.



For additional information regarding the reporting of safe deposit box contents, please review T.C.A., Section 45-2-907 and Unclaimed Property Rule 1700-2-1-.37.



STATE OF TENNESSEE•TREASURY DEPARTMENT
Unclaimed Property Division
P.O. Box 198649•Nashville, Tennessee 37219-8649•(615) 253-5362
E-mail: UCP.holders@state.tn.us
www.tn.gov/treasury/unclaim



III. ANNUAL REPORT OF UNCLAIMED PROPERTY

VERIFICATION & AFFIDAVIT OF SAFE DEPOSIT ITEMS FOR YEAR ENDED DECEMBER 31, _____

A. Holder # _____
Name _____
Address _____

E-Mail _____ State of Incorporation _____
Fed Tax ID # _____ Date of Incorporation _____

Name of contact person or department designated to respond to safe deposit box unclaimed property inquiries:

Name _____
Telephone _____
E-Mail _____

B. Type of company: _____

C. Type of report: ☐ Initial Content Report ☐ Sale proceeds and disposition of previously reported contents
Method of report: ☐ Compact Disk ☐ Diskette ☐ Paper

D. Total cash remitted (make check payable to "State Treasurer of Tennessee"): _____

E. Total shares of physical securities remitted: _____

F. Face amount of bonds remitted: _____

G. Amount deposited to lessee's existing account: _____

H. VERIFICATION AND AFFIDAVIT: The undersigned, _____, declares under penalty of perjury, that, to the best of (his) (her) knowledge, the foregoing report and supporting records, contain a full, true and complete report of unclaimed property now in the possession or under the control of the holder, which is presumed abandoned in accordance with the provisions of Tennessee Code Annotated, Sections 66-29-101 through 66-29-153. I am duly authorized to attest to this.

Date _____ Signature of Chief Financial Officer _____

State of _____ Title _____

City/County _____ SEAL

Subscribed and sworn to before me this _____ day of _____ 20____

Notary Public _____

SAFE DEPOSIT CONTENT REPORT DUE MAY 1st
Proceeds/Disposition report due 60 days after sale/disposition.

TR-0392 (Rev. 10/05)

RDA 1153

Reporting Help: UCP.holders@state.tn.us

PAGE TOTAL \$_____

**STATE OF TENNESSEE
TREASURY DEPARTMENT**

REPORT DATE _____

FOR YEAR ENDED _____

NAUPA CODE: SD01, SD02, SD03

IV. REPORT OF UNCLAIMED SAFE DEPOSIT PROPERTY



**DATE
BOXES OPENED
AND INVENTORIED**

HOLDER NAME _____

HOLDER NUMBER _____

HOLDER FEDERAL TAX ID NO. _____

**INSERT
DISPOSITION DATE
FOR (9) AND (10)**

Owner's Name and Last Known Address (Alpha by Owner) and Date of Last Activity (1)	Relationship Between Owners (If Applicable) (2)	SSN/FEIN (3)	Safe Deposit Box or Identifying Number (4)	Contents* (5)	Net Amount Deposited to Lessee's Account (6)	Cash Amount Remitted With Initial Report (7)	✓ If Sent With Report (8)*	Returned, Sold or Destroyed (9)	Net Proceeds Paid With Disposition Report (10)
Note: Remit by Check (11) Remit Total									
						\$			\$

Please provide all data requested.

***If cash or securities, send to State of Tennessee.**

Per rule 1701-2-1-.37, report contents of safe deposit box separate from other property types.

REPORTING INSTRUCTIONS FOR SAFE DEPOSIT BOX CONTENTS

(TANGIBLE OR SAFE DEPOSIT BOX CONTENTS ONLY.)

COVER LETTER – VERIFICATION AND AFFIDAVIT INSTRUCTIONS

Use this form for both your initial and disposition report.

- A. HOLDER'S NAME AND ADDRESS:** Complete all requested items. It is important that we have a good contact your Unclaimed Property Report.
- B. TYPE OF COMPANY:** Select the category which best describes your company: State Agency, Bank, Audit Entity, Estate, Finance and Mortgages, Hospitals and Health Care, Insurance Company – Life, Insurance Company – Casualty, Natural Resources, Corporation, Municipality and County, Retailer, Transportation, College and University, Utility, Services, Stock Broker and Mutual Fund, Transfer Agent and Securities, Manufacturing, Hospitality and Hotel, Payroll or Benefit Services, CPA and Other Professionals, Associations and Industry Groups, Media, Restaurant and Food Services.
- C. TYPE OF REPORT/METHOD OF REPORT:**
- Initial – This is the first time you reported the owner's name and address. Tangible items are not delivered at this time (See T.C.A., Section 45-2-907 and Rule 1700-2-1-.37 for exceptions).
- Disposition – This is the second follow-up report that indicates the final disposition of the contents of the safe deposit box.
- Select the media you are using to report. ***NOTE: If you have 20 or more owners on the INITIAL report, you must file the report electronically. See Electronic Reporting Instructions.***
- D. TOTAL CASH REMITTED:** Total amount of check or wire. Make check payable to Treasurer State of Tennessee. Include your Federal Employer ID number.
- E. TOTAL SHARES REMITTED:** If physical shares are sent with the report, indicate the total number of shares.
- F. FACE VALUE OF BONDS:** If bonds are sent with the report, indicate the total face value of the bonds.
- G. AMOUNT DEPOSITED TO LESSEE'S ACCOUNT:** If able to deposit any funds into another account held by the lessee, list the total amount.
- H. VERIFICATION AND AFFIDAVIT:** Form must be signed and notarized by CFO or other comparable position.

REPORT OF UNCLAIMED SAFE DEPOSIT PROPERTY

Use this form for the initial report ONLY if you have less than 20 owners. You must use this form for your disposition report.

- 1. OWNER'S NAME AND ADDRESS / DATE OF LAST ACTIVITY:** List the owner's complete name and last known address. Omit punctuation. Include the date of last activity.
- 2. RELATIONSHIP:** If there are multiple owners, indicate the relationship between the different owners (For example, JT TEN or Custodial).
- 3. SSN/FEIN:** Indicate the owner's tax id number.
- 4. SAFE DEPOSIT BOX OR IDENTIFYING NUMBER:** List the box number.
- 5. CONTENTS:** This is your inventory of the box. List each item separately with a brief description.
- 6. AMOUNT DEPOSITED TO LESSEE'S ACCOUNT:** If able to deposit any funds into another account held by the lessee, list the amount.
- 7. CASH AMOUNT REMITTED:** If cash amount is sent with the initial report list the amount. See T.C.A., Section 45-2-907 and Rule 1700-2-1-.37 for details when cash may be remitted with the initial report.
- 8. IF SENT WITH REPORT:** Check each item that you sent with your report.
- 9. RETURNED, SOLD, OR DESTROYED:** Disposition report only. Indicate final disposition of the property: "Returned" if property was returned to the owner, "Sold" if property was sold in accordance with T.C.A., Section 45-2-907 and Rule 1700-2-1-.37, and "Destroyed" if property was destroyed in accordance with T.C.A., Section 45-2-907 and Rule 1700-2-1-.37.
- 10. NET PROCEEDS:** Disposition report only. Indicate the net amount due owner and sent with report after disposition of safe deposit box contents. See T.C.A., Section 45-2-907 and Rule 1700-2-1-.37 for applicable fees and charges you may deduct before remitting.
- 11. TOTAL NET PROCEEDS:** Enter the total amount sent with report.

Report Checklist

- ☐ Print the "Uniform Disposition of Unclaimed Property Act Reporting Forms & Instructions" from our website at www.tn.gov/treasury/unclaim.
- ☐ Use the mailed, preprinted verification form or include your assigned holder number.
- ☐ Include your form of payment and electronic NAUPA file with your verification form.
- ☐ Include all social security numbers for property owners being reported. Cross reference any other internal databases if needed.
- ☐ Ensure that the total of your payment equals the sum of property being reported.
- ☐ Make check payable to "Treasurer State of Tennessee".
- ☐ Wait 60 days after you send out due diligence letters before reporting. Pay any owners who come forward within the 60 days and adjust report accordingly.

Securities Checklist

- ☐ Transfer all stock DTC. We will return physical certificates that are DTC eligible.
- ☐ We do not accept book entry accounts. Convert and send DTC.
- ☐ Include confirmation of transfer with report..
- ☐ Use correct registration for stock vs. mutual funds.
- ☐ Set all distributions or dividends to cash.
- ☐ DO NOT transfer mutual funds into our account until you are ready to send the report.
- ☐ For mutual funds, ensure that statements are sent at least quarterly.

**REGULATIONS GOVERNING THE
UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT**

1700-2-1-.01 ORGANIZATIONS AND INDIVIDUALS REQUIRED TO REPORT.

- (1) Every holder of property belonging to another person who has not claimed such property or with whom no correspondence has been had for the statutory period is required to file an annual report to the State Treasurer of Tennessee. Organizations and individuals which are required to report to the State Treasurer include but are not limited to:
- (a) state government agencies
 - (b) state and national banks
 - (c) clerks of court
 - (d) cooperative organizations and marketing associations
 - (e) businesses, corporations, partnerships, associations and other business organizations and firms employing twenty-five (25) or more persons
 - (f) local government agencies
 - (g) educational units, including, but not limited to, colleges, universities, and private schools
 - (h) hospitals
 - (i) life insurance and other insurance companies
 - (j) issuers of money orders and travelers checks
 - (k) public utilities
 - (l) savings and loan associations and credit unions.

Authority: T.C.A. § 66-29-113. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979.

1700-2-1-.02 REPEALED.

Authority: T.C.A. §64-2913. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.03 AUTHORIZATION TO POSTPONE REPORTING DATE.

Upon receipt of a written request, the State Treasurer may allow an additional one (1) year period from the date specified for final distribution for reporting of intangible personal property distributable in the course of voluntary or involuntary dissolution of a business association, banking organization, or financial organization. For all other holders, the State Treasurer may, in his discretion, grant one thirty (30) day extension for reporting. A written request for an extension must be received by the Treasurer on or before May 1 for property held as of the previous December 31.

Authority: T.C.A. §§66-29-113(a) and (d) and 66-29-130. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 22, 1988; effective December 28, 1988. Amendment filed January 18, 1990; effective May 1, 1990.

1700-2-1-.04 REPORTING FORMS.

Holders shall report unclaimed property on forms prescribed by the State Treasurer. The forms may be obtained by downloading the form from the internet web site for the Tennessee Treasury Treasurer shall provide the form on an Internet web site for holders to download. Department, Division of Unclaimed Property or in paper copy from the Tennessee Treasury Department, Division of Unclaimed Property. Holders with less than twenty (20) property owner records shall file the report in paper form or may, at their option, file the report in such electronic media as prescribed by the Treasurer. Holders reporting twenty (20) or more owner records shall file the report on electronic media only. The type of electronic media on which unclaimed property reports may be filed shall be prescribed by the Treasurer and a description thereof shall be provided on an Internet web site for holders to download. Notwithstanding the filing of an unclaimed property report on electronic media, the holder shall provide the verification required in T.C.A. § 66-29-113 in paper form. Such verification shall be submitted with the report.

Authority: T.C.A. §66-29-113 and 66-29-130. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed August 31, 2000; effective December 29, 2000.

1700-2-1-.05 ALTERNATIVE REPORTING FORMS ACCEPTED BY THE STATE TREASURER.

Subject to the prior written approval of the State Treasurer, a holder may file an unclaimed property report in such other alternate electronic media as the Treasurer deems acceptable, provided the signature verification required in T.C.A. § 66-29-113 is filed in paper form.

Authority: T.C.A. §§66-29-113 and 66-29-130. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 22, 1988; effective December 28, 1988. Amendment filed September 4, 1996; effective January 28, 1997. Amendment filed August 31, 2000; effective December 29, 2000.

1700-2-1-.06 SUBMISSION OF REPORTS TO STATE TREASURER.

Unclaimed Property Reports should be mailed or delivered to the State Treasurer at such address and in such manner as the Treasurer shall direct.

Authority: T.C.A. §§66-29-113 and 66-29-130. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 4, 1996; effective January 28, 1997. Amendment filed August 31, 2000; effective December 29, 2000.

1700-2-1-.07 NEGATIVE REPORTS.

Any banking organization, financial organization, life insurance company, or utility company within this State which in any year does not hold property subject to Tennessee's Uniform Disposition of Unclaimed Property Act (the Act) shall file a certified statement to that effect when requested by the State Treasurer.

Authority: T.C.A. §§66-29-113 and 66-29-130. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 4, 1996; effective January 28, 1997.

1700-2-1-.08 VOLUNTARY REPORTING.

Since the Act is purely custodial, any holder of unclaimed property may voluntarily report funds before the statutory due date and be relieved of all accountability and responsibility upon delivery of the unclaimed property to the State Treasurer, to the extent of the value of the property reported and delivered. Provided, however, if the holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate and the property has a value of fifty dollars (\$50.00) or more, the holder must exercise due diligence, as such term is defined in Rule 1700-2-1-.19 below, to ascertain the whereabouts of the owner prior to reporting such property. The due diligence required by this rule shall be performed not more than one hundred twenty (120) days or less than sixty (60) days before filing the report.

Authority: T.C.A. §§66-29-113(f), 66-29-116, and 66-29-130. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 4, 1996; effective January 28, 1997. Repeal and new rule filed December 29, 2005; effective April 28, 2006.

1700-2-1-.09 REPEALED.

Authority: T.C.A. §§64-2913 and 64-2917. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.10 REPEALED.

Authority: T.C.A. §64-2903. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.11 ABANDONMENT OF CERTIFICATES OF DEPOSIT.

Certificates of deposit which are automatically renewed at the end of a term and for which no contact has been made shall be deemed to be abandoned at the end of the term in which the statutory abandonment period has run.

Authority: T.C.A. §§66-29-104 and 66-29-130. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 4, 1996; effective January 28, 1997.

1700-2-1-.12 OWNER OF CASHIER'S CHECK DEFINED.

For purposes of the Act, the owner of a cashier's check shall be deemed to be the person who is in possession of the instrument, provided such person is either the purchaser or the payee of the check. Any banking or financial organization or business association which has issued a cashier's check which is deemed abandoned under the Act shall report the name and address, if known, of both the payee and the purchaser of the check in accordance with T.C.A. § 66-29-113.

Authority: T.C.A. §§66-29-104, 66-29-113, and 66-29-130. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 4, 1996; effective January 28, 1997.

1700-2-1-.13 REPEALED.

Authority: T.C.A. §§64-2903 and 64-2913. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Repeal by Public Chapter 575; effective July 1, 1986.

1700-2-1-.14 REPEALED.

Authority: T.C.A. §64-2929. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Repeal by Public Chapter 575; effective July 1, 1986.

1700-2-1-.15 REPEALED.

Authority: T.C.A. §64-2921. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Repeal by Public Chapter 575; effective July 1, 1986.

1700-2-1-.16 REPORTS MADE BY INSURANCE COMPANIES.

In addition to proceeds of unclaimed matured or terminated policies or contracts, insurance companies are required to report funds held by them including, but not limited to, unclaimed dividends and salary checks.

Authority: T.C.A. §§66-29-112, 66-29-113, and 66-29-130. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979.

1700-2-1-.17 REPORTS MADE BY UTILITY COMPANIES.

“Lawful deductions” shall be defined as deductions for the gross amount of services left owing or damages to property owned by the utility company.

Authority: T.C.A. § 66-29-106 and 66-29-130. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979.

1700-2-1-.18 REPORTS OF MISCELLANEOUS PROPERTY HELD FOR ANOTHER PERSON.

(1) “Miscellaneous property held for another person” shall include but shall not be limited to:

- (a) wages, commissions or other compensation which are not otherwise covered under Tennessee Code Annotated, Section 66-29-136
- (b) royalties
- (c) deposits or payment for repair or purchase of goods and services
- (d) credit checks or memo
- (e) customer overpayments
- (f) gift certificates (uncashed)
- (g) unidentified remittances
- (h) refunds
- (i) credit balances - accounts receivable
- (j) discounts
- (k) vendor checks
- (l) claim payments
- (m) unpaid accounts payable
- (n) miscellaneous outstanding checks
- (o) any sum owing to a shareholder, certificate holder, member, bondholder, or other security holders or participating patron of a cooperative.

Authority: T.C.A. §§66-29-112, 66-29-130, and 66-29-136. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed August 31, 2000; effective December 29, 2000.

1700-2-1-.19 DUTIES OF HOLDERS.

- (1) Before filing the annual report of property presumed abandoned, the holder shall exercise due diligence to ascertain the whereabouts of the owner to prevent abandonment from being presumed. “Due diligence” is defined herein as the degree of care which a reasonably prudent man would exercise in the normal course of business operations.
- (a) Evidence that the location of the owner cannot be ascertained may be the return of a first-class or superior mailing sent to the owner’s last known address.
 - (b) First-class or superior mailings to owners in the ordinary course of the holder’s business which are not returned as “undeliverable” shall constitute contact with the owner, and shall constitute an indication of interest in the property in accordance with the Act. Examples of such mailings include, but are not limited to, computerized statements of account and statements of interest earnings required by the Internal Revenue Service.

Authority: T.C.A. §§66-29-104(1)(C), 66-29-104(2)(C), 66-29-104(3)(A), 66-29-109, 66-29-113(e), and 66-29-130. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 4, 1996; effective January 28, 1997.

1700-2-1-.20 DELIVERY OF PROPERTY TO THE STATE TREASURER.

- (1) Except as provided in Rule 1700-2-1-.37, all property reported must be delivered to the State Treasurer unless, in his discretion, the State Treasurer determines that it is not in the interest of the State to take custody of the property and authorizes the holder, in writing, to dispose of the property.
- (2) Holders shall deliver unclaimed shares of stock or mutual funds in such form that future earnings from those shares or funds will be delivered in the form of cash rather than an increase in the number of shares. When there is an option of cash or stock dividends, the Treasurer prefers to receive cashholder shall deliver cash.
- (3) Holders shall deliver property to the State Treasurer accompanied by the remittance advice provided by the Treasurer.
- (4) Holders shall deliver property to the State Treasurer in such form as will empower him to sell or otherwise negotiate the property at any time to the extent necessary to effectuate the purposes of the Act.

Authority: T.C.A. §§66-29-107, 66-29-115, and 66-29-130. **Administrative History:** Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 24, 1990; effective December 29, 1990. Amendment filed August 31, 2000; effective December 29, 2000.

1700-2-1-.21 REPEALED.

Authority: T.C.A. §64-2914. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Repeal by Public Chapter 575; effective July 1, 1986.

1700-2-1-.22 PROHIBITED AGREEMENTS.

Contractual agreements are not permitted which tend to circumvent the intention of the Tennessee General Assembly and provide any holder subject to this Act with a windfall or allow the holder to maintain custody of property deemed abandoned under the provisions of the Act.

Authority: T.C.A. §64-2929. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979.

1700-2-1-.23 HOLDER REIMBURSEMENT FOR CLAIMS PAID.

Any holder who has reported and delivered property to the Treasurer may make payment to the owner when presented with proper proof of ownership. If the property has not previously been returned by the Treasurer to the owner, the Treasurer shall reimburse the holder upon receipt of a photocopy, front and back, of the cancelled check issued to the recipient along with information identifying the type of property and the date it was delivered to the Treasurer.

Authority: T.C.A. § 66-29-116 and 66-29-130. *Administrative History:* Original rule filed October 26, 1978; effective January 29, 1979. Amendment filed September 24, 1990; effective December 29, 1990.

1700-2-1-.24 PROCEDURES GOVERNING DISPOSITION OF MARKETABLE SECURITIES TRADED ON A NATIONAL EXCHANGE.

- (1) Time of Disposal - The sale of all marketable securities delivered to the Unclaimed Property Division shall be authorized by the Treasurer eight (8) months following advertisement or as soon thereafter as practicable.
- (2) Manner of Disposal
 - (a) Securities shall first be offered for sale to the Tennessee Consolidated Retirement System at their current market price.
 - (b) Securities not purchased by the Tennessee Consolidated Retirement System shall be sold by a licensed broker designated by the Treasurer, who is a member of the New York Stock Exchange.
 1. Instructions to the broker shall be to sell the Security prior to the close of the market within three (3) days after delivery of the stock to him.
- (3) Proceeds From Sale - The full amount received from the sale shall be remitted to the Unclaimed Property Division and shall be held for the rightful owner.
- (4) Costs of Sale - All costs associated with the sale shall be paid by the Unclaimed Property Division.
- (5) Claims Prior to Sale of Security - If a claim is made for a security prior to its sale, the Unclaimed Property Division will attempt to transfer the security to the claimant. If the transfer is unsuccessful, at the written request of the claimant, the security will be sold prior to the date specified above and the proceeds will be paid to the claimant.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981.

1700-2-1-.25 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.26 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.27 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.28 REPEALED.

Authority: T.C.A. §§66-29-119 and 66-29-130. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Amendment filed September 24, 1990; effective December 29, 1990. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.29 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.30 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.31 REPEALED.

Authority: T.C.A. §§66-29-119 and 66-29-130. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Amendment filed September 24, 1990; effective December 29, 1990. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.32 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.33 REPEALED.

Authority: T.C.A. §§66-29-119 and 66-29-130. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 24, 1990; effective December 29, 1990.

1700-2-1-.34 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.35 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.36 REPEALED.

Authority: T.C.A. §64-2919. *Administrative History:* Original rule filed January 29, 1981; effective April 29, 1981. Repeal filed September 4, 1996; effective January 28, 1997.

1700-2-1-.37 REPORTS OF SAFE DEPOSIT BOX CONTENTS.

- (1) Any lessor, as defined in Tennessee Code Annotated, Section 45-2-901(4), who removes contents from a safe deposit box, vault, or other safe deposit receptacle in accordance with the procedures set forth in Tennessee Code Annotated, Section 45-2-907 shall report such contents to the State Treasurer by no later than May 1st of the year following the calendar year in which the box is opened. The contents from such boxes shall be reported separately from any other type of unclaimed property reportable to the State Treasurer by the lessor shall report the contents from such boxes separately from any other type of unclaimed property reportable to the State Treasurer. The State Treasurer shall create a separate and distinct unclaimed property report form for the reporting of safe deposit box contents. The report form shall elicit such information, as the Treasurer deems appropriate including, but not limited to, the following:
 - (a) A listing of the full names of the respective lessees in alphabetical order according to their surnames. The names of the lessees and their respective last known addresses shall appear in horizontal columns.
 - (b) Beside each lessee name, the following information shall be listed:
 1. if more than one lessee of the box exists, the relationship between the lessees;
 2. the name and address of any other person who, according to the lessor's records, may have an interest in the box's contents;
 3. the lessee(s) social security number if known to the lessor;
 4. the identifying number used by the lessor for the safe deposit box;
 5. the date the box was opened and inventoried; and
 6. a brief description of the property.
- (2)
 - (a) Every lessor filing a report under this rule shall, at the time of filing such report and with that report, pay or deliver to the State Treasurer the following types of property removed from a safe deposit box:
 1. Intangible property including, but not limited to, stocks and bonds;
 2. Coins or currency with a face value of twenty dollars (\$20.00) or less each which are valued at no more than twice the face value; and
 3. Coins or currency with a face value of greater than twenty dollars (\$20.00) each which are valued at one hundred twenty-five percent (125%) or less of face value.
 - (b) The coins or currency described in subparagraphs (2)(a)2 and (2)(a)3 above shall not be delivered to the State Treasurer if the same can be deposited to the credit of the lessee in any existing account maintained by the lessor on behalf of the lessee. In such event, the lessor shall deposit the coins or currency to the credit of the lessee, minus any accumulated charges deducted by the lessor pursuant to Tennessee Code Annotated, Section 45-2-907. The lessor shall specify on the report: (i) the cash amount of the coins and currency, (ii) the amount deposited to the lessee's account after deduction of any accumulated charges and (iii) the fact that the funds have been deposited to an existing account of the lessee.
 - (c) The coins or currency described in subparagraphs (2)(a)2 and (2)(a)3 shall also not be delivered to the State Treasurer if other property is removed from the respective safe deposit box and held for subsequent sale. Instead, such coins and currency shall be retained until the sale and shall be treated as proceeds from the sale pursuant to paragraph (3) of this rule below.

- (3) All other property removed from a safe deposit box shall not be delivered to the State Treasurer at the time of filing the report. Instead, the lessor shall sell or otherwise dispose of the property in accordance with the procedures set forth in Tennessee Code Annotated, Section 45-2-907. The monetary proceeds resulting from any such sale, after deducting accumulated charges, including a proportionate share of the expense of advertising and conducting the sale, shall be deposited to the credit of the lessee in any existing account maintained by the lessor on behalf of the lessee. If no account exists, the proceeds shall be delivered to the State Treasurer within sixty (60) days of the sale along with the updated report required in paragraph (4) of this rule below.
- (4) Updated Report. After disposition of all contents of a safe deposit box, the lessor shall provide to the State Treasurer an updated report concerning the contents of the box. The updated report shall contain all the information provided in the initial report filed with the Treasurer pursuant to paragraph (1) of this rule above. In addition, the report shall contain the following information for each item of property described in the initial report:
 - (a) A statement as to whether the item was returned to the owner, sold or destroyed;
 - (b) The net amount realized from the sale of that item; and
 - (c) If the net amount realized from the sale of the item was deposited to the credit of the lessee as provided in paragraph (3) of this rule above, a statement that the amount has been deposited to an existing account of the lessee.

Authority: T.C.A. §§45-2-907, 66-29-104(4)(A), 66-29-115(c), and 66-29-130. **Administrative History:** Original rule filed August 31, 2000; effective December 29, 2000. Amendment filed December 29, 2005; effective April 28, 2006.

1700-2-1-.38 AGREEMENTS RELATIVE TO UNREPORTED PROPERTY.

- (1) Any agreement entered into on or after July 1, 2005 with an owner whereby the owner is to pay a fee or other remuneration for locating, delivering, recovering, or assisting in the recovery of property that has not yet been reported to the State Treasurer pursuant to the Act is enforceable only if:
 - (a) The agreement is in writing;
 - (b) Clearly sets forth the nature of the property and the services to be rendered;
 - (c) Is signed by the apparent owner;
 - (d) States the value of the property before and after the fee;
 - (e) Discloses that, absent the agreement, the property would otherwise be delivered to a state administered unclaimed property program for safekeeping on the owner's behalf and that upon such delivery, the owner would have been able to recover the property from the state administered program without charge; and
 - (f) Informs the apparent owner that the owner may obtain additional information about unclaimed property programs by logging onto the state of Tennessee Internet web site www.tn.gov/treasury/unclaim/
- (2) Nothing in this rule shall be construed to prevent an owner from asserting at any time that an agreement to locate, deliver, recover, or assist in the recovery of property is based upon an excessive or unjust consideration.

Authority: T.C.A. §§66-29-122 and 66-29-130. **Administrative History:** Original rule filed December 29, 2005; effective April 28, 2006.

1700-2-1-.39 PROXIES.

Due to the short time period within which securities are held under the Act prior to their sale, the State Treasurer shall not vote proxies received in connection with securities delivered to the Unclaimed Property Division.

Authority: T.C.A. §§66-29-107, 66-29-119, and 66-29-130. **Administrative History:** Original rule filed December 29, 2005; effective April 28, 2006.

STATE OF TENNESSEE
UNIFORM DISPOSITION OF UNCLAIMED PERSONAL PROPERTY ACT

TENNESSEE CODE ANNOTATED, SECTION 66-29-101. ET SEQ.

66-29-101. SHORT TITLE.

This part shall be known as the “Uniform Disposition of Unclaimed Property Act.”

66-29-102. PART DEFINITIONS.

As used in this part, unless the context otherwise requires:

- (1) “Banking organization” means any national bank or state bank, trust company, savings bank, industrial bank, land bank, safe deposit company, or private banker;
- (2) “Business association” means any corporation, other than a public corporation, joint stock company, business trust, partnership cooperative, or any association for business purposes of two (2) or more individuals;
- (3) “Financial organization” means any savings and loan association, building and loan association, credit union, cooperative bank, or investment company;
- (4) “Holder” means any person in possession of property subject to this chapter belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this part;
- (5) “Life insurance corporation” means any association or corporation transacting the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities;
- (6) “Local government” means any municipality or county located in Tennessee;
- (7) “Owner” means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this part, or the legal representative of such person;
- (8) “Person” means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two (2) or more persons having a joint or common interest, or any other legal or commercial entity, whether such person is acting in such person’s own right or in a representative or fiduciary capacity;
- (9) “Property” means tangible personalty located in this state and all intangible personalty;
- (10) “Treasurer” means the state treasurer; and
- (11) “Utility” means any person who owns or operates for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

66-29-103. GENERAL RULES FOR TAKING CUSTODY OF INTANGIBLE UNCLAIMED PROPERTY.

Unless otherwise provided in this part or by other statute of this state, intangible property is subject to the custody of this state as unclaimed property if the conditions raising a presumption of abandonment under this section or §§ 66-29-104 - 66-29-111 are satisfied and:

- (1) The last known address, as shown on the records of the holder, of the apparent owner is in this state;
- (2) The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this state;
- (3) The records of the holder do not reflect the last known address of the apparent owner, and it is established that:
 - (A) The last known address of the person entitled to the property is in this state; or
 - (B) The holder is a domiciliary or a government or governmental subdivision or agency of this state and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;
- (4) The last known address, as shown on the records of the holder, of the apparent owner is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property and the holder is a domiciliary or a government or governmental subdivision or agency of this state;
- (5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is a domiciliary or a government or governmental subdivision or agency of this state; or
- (6) The transaction out of which the property arose occurred in this state; and
 - (A) (i) The last known address of the apparent owner or other person entitled to the property is unknown; or
 - (ii) The last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property; and

- (B) The holder is a domiciliary of a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

66-29-104. PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS OR BY BUSINESS ASSOCIATIONS.

The following property held or owing by a banking or financial organization or by a business association is presumed abandoned:

- (1) Any demand, savings, or matured time deposit made with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within five (5) years:
- (A) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest;
 - (B) Corresponded in writing with the banking organization concerning the deposit; or
 - (C) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization, providing such memorandum is one which is routinely kept according to customary banking practices;
- (2) Any funds paid toward the purchase of shares or other interest in a financial organization or any deposit made therewith, and any interest or dividends thereon excluding any charges that may lawfully be withheld, unless the owner has within five (5) years:
- (A) Increased or decreased the amount of the funds or deposit or presented an appropriate record for the crediting of interest or dividends;
 - (B) Corresponded in writing with the financial organization concerning the funds or deposit; or
 - (C) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization;
- (3) (A) Any sum payable on checks certified or on written instruments issued on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders and traveler's checks, that, with the exception of money orders and traveler's checks, has been outstanding for more than five (5) years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has within the time period corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association. Any sum payable on money orders that has been outstanding for more than seven (7) years after its issuance, or any sum payable on traveler's checks that has been outstanding for more than fifteen (15) years from the date of its issuance, unless the owner has within the time period corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association;
- (B) No sum payable on a traveler's check, money order or similar written instrument, other than a third-party bank check, may be subjected to the custody of the state as unclaimed property unless:
- (i) The records of the issuer show that the traveler's check, money order or similar written instrument was purchased in this state;
 - (ii) The issuer has its principal place of business in this state and the records of the issuer do not show the state in which the traveler's check, money order or similar written instrument was purchased; or
 - (iii) The issuer has its principal place of business in this state and the records of the issuer show the state in which the traveler's check, money order or similar written instrument was purchased and the laws of the state of purchase do not provide for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property;
- (C) Notwithstanding any provision of this part to the contrary, any outstanding check, draft, credit balance, customer's overpayment or unidentified remittance issued to a business entity or association as part of a commercial transaction in the ordinary course of a holder's business shall not be presumed abandoned if the holder and such business entity or association have an ongoing business relationship. An ongoing business relationship shall be deemed to exist if the holder has engaged in a commercial, business or professional transaction involving the sale, lease, license, or purchase of goods or services with the business entity or association or a predecessor-in-interest of the business entity or association within the dormancy period immediately following the date of the check, draft, credit balance, customer's overpayment, or unidentified remittance giving rise to the unclaimed property interest. As used herein "dormancy period" means the period during which the holder may hold the property interest before it is presumed to be abandoned. A "transaction between the holder and a third party insurer of another" is a commercial transaction which constitutes a business relationship between the holder and the insurer. A "predecessor-in-interest" is a person or entity whose interest in a business entity or association was acquired by its successor-in-interest, whether by purchase of the business ownership interest, purchase of business assets, statutory merger or consolidation and includes successive acquisitions by whatever means accomplished;
- (4) (A) Any surplus amount resulting from the sale or disposal of safe deposit box contents by banking institutions pursuant to § 45-2-907, if the proceeds cannot be credited to an existing customer account upon sale, and any unsold contents. Any credit of these proceeds to a customer account will not be considered as account activity under subdivisions (1) and (2);
- (B) For any person, other than a bank, savings and loan association or savings bank, any funds or other personal property removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box on which the lease or rental

period has expired due to nonpayment of rental charges or other reasons that have been unclaimed by the owner for more than two (2) years from the date on which the lease or rental period expired; or any surplus amount arising from the sale thereof pursuant to law that has been unclaimed by the owner for one (1) year; and

- (5) Property described in subdivisions (1)-(4), without regard to any activity or inactivity within specified abandonment periods, whose owner is known to the holder to have died and left no one to take the property by will and no one to take the property by intestate succession.

66-29-105. UNCLAIMED FUNDS HELD BY LIFE INSURANCE CORPORATIONS.

- (a) Unclaimed funds held and owing by a life insurance corporation shall be presumed abandoned if the provisions of this section and § 66-29-103 are satisfied. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

- (b) (1) “Unclaimed funds,” as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than five (5) years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding five (5) years:

(A) Assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan; or

(B) Corresponded in writing with the life insurance corporation concerning the policy.

Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

- (2) “Unclaimed funds” includes all moneys held and owing by any life insurance corporation under this subsection (b) to any owner who is known to the company to have died and left no one to take such moneys by will and no one to take such moneys by intestate succession.

66-29-106. UNDISTRIBUTED ASSETS AND OBLIGATIONS OF BUSINESS ASSOCIATIONS AND UTILITIES.

- (a) The following funds held or owing by any business association or by any utility are presumed abandoned:

- (1) Any deposit made by a subscriber with a utility to secure payment, any sum overpaid, or any sum paid in advance for utility services to be furnished, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than two (2) years after the termination of the services for which the deposit, overpayment, or advance payment was made;
- (2) Any sum that a utility or a business association has been ordered to refund by a court or administrative agency, together with any interest thereon, less any lawful deductions, which has remained unclaimed by the owner for more than two (2) years after it became payable in accordance with the final determination or order providing for the refund, whether or not the final determination or order requires any person entitled to a refund to make a claim for it; and
- (3) Property described in subdivisions (1) and (2), without regard to any activity or inactivity within specified abandonment periods, whose owner is known to the holder to have died and left no one to take the property by will and no one to take the property by intestate succession.

- (b) Any utility which possesses a deposit or other sum which is subject to be presumed abandoned pursuant to the provisions of subsection (a) shall make a reasonable attempt to notify the subscriber who is entitled to such deposit or sum of such possession within one hundred twenty (120) days of the commencement of the two-year period pursuant to subsection (a).

66-29-107. UNDISTRIBUTED DIVIDENDS AND DISTRIBUTIONS OF BUSINESS ASSOCIATIONS.

Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within three (3) years after the date prescribed for payment or delivery is presumed abandoned. Property described above, without regard to any activity or inactivity within the past three (3) years, shall also be presumed abandoned if the owner thereof is known to the holder to have died and left no one to take the property by will and no one to take the property by intestate succession.

66-29-108. PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION.

All intangible personal property distributable in the course of a voluntary or involuntary dissolution or liquidation of a business association, banking organization, or financial organization that is unclaimed by the owner after the date for final distribution or liquidation is presumed abandoned.

66-29-109. PROPERTY HELD BY FIDUCIARIES.

All property and any income or increment on the property or income held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within five (5) years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary. The property, without regard to any activity or inactivity within the past five (5) years, shall also be presumed abandoned if the owner of the property is known to the holder to have died and left no one to take the property by will and no one to take the property by intestate succession.

66-29-110. PROPERTY HELD BY COURTS, PUBLIC OFFICERS AND AGENCIES.

All property held for the owner by any court, including a federal court, public corporation, public authority or agency, or public officer, or a political subdivision, including, but not limited to, the state of Tennessee or any of its departments or agencies, that has remained unclaimed by the owner for more than one (1) year is presumed abandoned, except property in the custody or control of any state or federal court in any pending action. Notwithstanding the provisions of this section, all property held for the owner by any institution or entity governed by the board of trustees of the University of Tennessee or the state board of regents shall be presumed abandoned within the abandonment periods applicable to private universities and colleges. Property described above, without regard to any activity or inactivity within the past one (1) year, shall also be presumed abandoned if the owner thereof is known to the holder to have died and left no one to take the property by will and no one to take the property by intestate succession.

66-29-111. PROPERTY HELD BY FEDERAL GOVERNMENT.

All property, including choses in action in sums certain, and all debts owed, entrusted funds, or other property held by the federal government, or any agency, officer or appointee thereof, is presumed abandoned if the property has been unclaimed for at least one (1) year. The federal government or a government officer or appointee of the property may deduct from the amount paid or delivered to the state treasurer the proportionate share of the actual and necessary cost of examining such records and reporting such information. This state shall hold the federal government harmless to the extent of the value of any property so paid or delivered from any claim which then exists or which thereafter may arise or be made in respect to property delivered to the state treasurer by the federal government. The property, without regard to any activity or inactivity within the past one (1) year, shall also be presumed abandoned if the owner thereof is known to the holder to have died and left no one to take the property by will and no one to take the property by intestate succession.

66-29-112. MISCELLANEOUS PROPERTY HELD FOR ANOTHER PERSON.

All property, not otherwise covered by this part, including any income or increment thereon and deducting any lawful charges, that is held or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than five (5) years after it became payable or distributable is presumed abandoned. A layaway account of any retail business association shall not be considered as miscellaneous property held for another person and such accounts shall not be regulated by this part. Property described above, without regard to any activity or inactivity within the past five (5) years, shall also be presumed abandoned if the owner thereof is known to the holder to have died and left no one to take the property by will and no one to take the property by intestate succession.

66-29-113. REPORT OF ABANDONED PROPERTY.

- (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this part shall report to the treasurer with respect to the property as provided in this section.
- (b) The report shall be verified and shall include:
 - (1) Except with respect to traveler's checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of fifty dollars (\$50.00) or more presumed abandoned under this part;
 - (2) In case of unclaimed funds of a life insurance corporation, the full name of the insured or annuitant and that person's last known address according to the life insurance corporation's records;
 - (3) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under fifty dollars (\$50.00) each may be reported in aggregate;
 - (4) Except for property reported in the aggregate, the date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and
 - (5) Other information which the treasurer prescribes by rule as necessary for the administration of this part.
- (c) (1) Notwithstanding any provision of this part to the contrary, holders shall report to the treasurer the following types of property separately from any other type of property reportable under this part:
 - (A) Contents removed from any safe deposit box or any other safekeeping repository or agency or collateral deposit box described in § 66-29-104(4)(B); and
 - (B) If required by rule and regulation promulgated pursuant to § 66-29-115(d), securities or security entitlements under title 47, chapter 8.
- (2) The treasurer may create separate and distinct unclaimed property report forms for the reporting of such property. The report forms shall elicit such information as the treasurer deems appropriate.

- (d) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder had a change of name while holding the property, that person shall file with the report all prior known names and addresses of each holder of the property.
- (e) The report shall be filed before May 1 of each year, reporting property held as of the previous December 31. The treasurer may postpone the reporting date upon written request by any person required to file a report.
- (f) Not more than one hundred twenty (120) days or less than sixty (60) days before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this part shall send written notice to the apparent owner at such person's last known address, informing such person that the holder is in possession of property subject to this part, if the holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate and the property has a value of fifty dollars (\$50.00) or more. The holder shall exercise due diligence to ascertain the whereabouts of the owner. The treasurer shall promulgate rules and regulations to clarify the provisions of this subsection (f) with respect to the duties of holders.
- (g) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer. The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection (f).
- (h) The treasurer shall keep a record of all final reports submitted to such treasurer.
- (i) Every holder required to file a report under this section as to any property for which it has obtained the last known address of the owner shall maintain a record of the name and last known address of the owner for ten (10) years after the property becomes reportable.

66-29-114. NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY.

- (a) The treasurer shall have notice published of the names and last known addresses of the apparent owners of property in a manner designed to inform owners that property has been reported under the law and is in the protective custody of the treasurer to whom claims to the property may be directed.
- (b) The treasurer may set a minimum dollar value for items to be advertised which takes into consideration the cost of advertising and the interests of the owners of property. Property which is not advertised shall be accumulated in an organized fashion and shall be made available to the public.
- (c) Within the calendar year next following the year in which unclaimed property has been paid or delivered to the treasurer, the treasurer shall mail a notice to each person having an address reported who appears to be entitled to property of the value of fifty dollars (\$50.00) or more presumed abandoned under this part.
- (d) The mailed notice shall contain:
 - (1) A statement that, according to a report filed with the treasurer, property is being held to which the addressee appears entitled; and
 - (2) A statement that the property is in the custody of the treasurer and will be held for the owner until satisfactory proof of claim is presented.
- (e) This section is not applicable to sums payable on traveler's checks or money orders presumed abandoned under § 66-29-103.

66-29-115. PAYMENT OR DELIVERY OF ABANDONED PROPERTY.

- (a) Except as otherwise provided in this section, every person filing a report under § 66-29-113 shall, at the time of filing such report and with that report, pay or deliver to the state treasurer all unclaimed funds and intangible property specified therein. However, any unclaimed checks held by the state which were derived from one hundred percent (100%) federal funding need not be delivered to the state treasurer pursuant to this part if such delivery would render the state ineligible for future federal funding. Upon written request showing good cause, the state treasurer may postpone the payment or delivery upon such terms or conditions as the state treasurer deems necessary and appropriate.
- (b) Tangible property shall not be delivered to the state treasurer at the time of filing the report. Instead, the state treasurer shall review the report of such property and be given an opportunity to decline to receive any such property reported which the state treasurer deems to have a value less than the cost of giving notice and holding sale, or may, if the state treasurer deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of such property is notified to the contrary within one hundred twenty (120) days after filing the report required under § 66-29-113, the state treasurer shall be deemed to have elected to receive custody of the property and the holder thereof shall, at the end of such one hundred twenty-day period, pay or deliver such property to the state treasurer.
- (c) Notwithstanding anything in subsections (a) and (b) to the contrary, contents removed from any safe deposit box or any other safekeeping repository or agency or collateral deposit box described in § 66-29-104(4)(B) shall be sold or disposed of by the holder in accordance with the procedures set forth in § 45-2-907, or pursuant to instructions received from the state treasurer, and the proceeds, less reasonable costs of sale and storage, shall be remitted within sixty (60) days of sale.

(d) Notwithstanding anything in this section to the contrary, the state treasurer may, by rule and regulation, require that a security or security entitlement under title 47, chapter 8 not be delivered to the state treasurer at the time of filing the report. If the treasurer promulgates such a rule, the state treasurer shall publish the names and last known addresses of the apparent owners of such property pursuant to § 66-29-114 and the holder thereof shall retain the property until claimed by the owner or sold in accordance with this subsection. If the security or security entitlement has not been claimed within the calendar year next following the filing of the report with the state treasurer, then the holder may, as soon thereafter as practical, sell the property in conformity with reasonable commercial practices for the type of security involved. The monetary proceeds resulting from any sale conducted pursuant to this subsection (d), after deducting a proportionate share of the expense of conducting the sale, shall be delivered to the state treasurer within sixty (60) calendar days of the sale along with an updated report. The updated report shall be in such format as prescribed by the treasurer and shall contain all information provided in the initial report. The report shall further contain the following information for each security or security entitlement described in the initial report:

- (1) A statement as to whether the security or security entitlement was returned to the owner or sold; and
- (2) The net amount realized from the sale of that security or security entitlement.

An issuer, the holder, and any transfer agent or other person acting pursuant to the instructions of and on behalf of the issuer or holder in accordance with this subsection (d) shall not be liable to the apparent owner and shall be indemnified against claims of any person in accordance with § 66-29-116.

- (e) Property paid or delivered to the state treasurer shall include all interest, dividends, increments, and accretions due, payable, or distributable on the day that the property is paid or delivered to the state treasurer.
- (f) (1) Notwithstanding the provisions of this part, United States savings bonds which are unclaimed and presumptively abandoned under the provisions of this part shall escheat to the state at the time of the presumed abandonment, and all property rights to such United States savings bonds or proceeds from such bonds shall thereupon vest solely in the state.
- (2) Within one hundred eighty (180) days after the bonds and obligations thereunder have been reported by a holder pursuant to § 66-29-113, if no claim has been filed in accordance with the provisions of this part for such United States bonds and obligations, the treasurer shall commence a civil action in the chancery court of Davidson County for a determination that such United States savings bonds shall escheat to the state. The treasurer may postpone the bringing of such action until sufficient United States savings bonds have accumulated in the treasurer's custody to justify the expense of such proceedings.
- (3) The summons and complaint shall name the last known owner as the defendant, and shall be served and filed as provided by law. At the time of the filing of the summons and complaint, the treasurer shall mail to the last known address of the owner, a notice entitled "Notice of Proceedings to Confirm Certain United States Savings Bonds as Escheated to the State of Tennessee," which shall include the following information:
- (A) The name and last known address of the owner, if previously reported;
 - (B) A statement identifying the action and stating that its purpose is to confirm escheat of the property to the state;
 - (C) The place, time and date of hearing; and
 - (D) A direction that any person claiming to be entitled to such United States savings bonds may claim the property before or at the hearing.
- (4) At the time the action is commenced, the treasurer, as to all items having a value in excess of fifty dollars (\$50.00), shall also cause the notice provided in subdivision (f)(3) to be published once each week for two (2) successive weeks in a newspaper having general circulation in the county of the last known address of the owner according to the records on file with the treasurer. If no address is available, the notice shall be published in such time, place and manner as, in the treasurer's judgment, is most likely to come to the owner's attention.
- (5) If no person shall file a claim or appear at the hearing to substantiate a claim, or if the court shall determine that a claimant is not entitled to the property claimed by such claimant, then the court, if satisfied by evidence that the treasurer has substantially complied with this section, shall enter a judgment confirming that the subject United States savings bonds have escheated to the state.
- (6) The treasurer shall redeem such United States savings bonds escheated to the state and the proceeds from such redemption shall be deposited in accordance with § 66-29-121.
- (7) Any person making a claim for the United States savings bonds escheated to the state under this subsection (f), or for the proceeds from such bonds, may file a claim in accordance with the provisions of § 66-29-123. Upon receiving sufficient proof of the validity of such person's claim, the treasurer may pay such claim in accordance with § 66-29-123.
- (g) (1) IF tangible personal property is found within or on the premises of an establishment; AND
IF the operator of such establishment, or the operator's agent, has not contracted for the storage of such property; AND
IF the operator or agent retains such property for a period of one hundred eighty (180) calendar days, or more, following the discovery of such property; AND
IF, after the expiration of such period, the operator or agent accurately describes and reports such abandoned property to the treasurer; AND

IF the treasurer does not request to receive custody of such property within forty-five (45) calendar days following receipt of such report; THEN

Notwithstanding any provision of this chapter or any other law to the contrary, the operator or agent may donate the abandoned, tangible personal property to a nonrelated entity qualifying as a charitable entity under Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), or, alternatively, may sell the property and donate the proceeds to a nonrelated entity qualifying as a charitable entity under Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). The owner of the property shall have no right of recovery or right of action against the operator of the establishment, or the operator's agent, after the expiration of the aforementioned forty-five-day period.

- (2) The provisions of this subsection (g) shall not be construed to prevent or restrict the ability of parties, including landlords and tenants, to contractually establish alternative procedures for disposal of abandoned, tangible personal property.

66-29-116. RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY.

Upon the payment or delivery of abandoned property to the treasurer, the state shall assume custody of the property and shall be responsible for its safekeeping. Any person who pays or delivers abandoned property to the treasurer under this chapter is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder who has paid moneys to the treasurer pursuant to this part may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the treasurer shall forthwith reimburse the holder for the payment.

66-29-117. INCOME ACCRUING AFTER PAYMENT OR DELIVERY.

- (a) When noninterest-bearing property is paid or delivered to the treasurer under this part, the owner is not entitled to receive income or other increments accruing thereafter.
- (b) When interest-bearing property is paid or delivered to the treasurer under this part, the owner is entitled to receive interest accruing thereafter under the following conditions:
 - (1) Interest will be paid at the stated rate the property was earning at the time it was turned over to the treasurer; and
 - (2) Interest will be computed by the treasurer at the time a valid claim is established by the owner. The interest will be compounded annually.

66-29-118. PERIODS OF LIMITATION NOT A BAR - ACTIONS MAINTAINED BY THE TREASURER.

- (a) The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this part or to pay or deliver abandoned property to the treasurer.
- (b) An action or proceeding may not be maintained by the treasurer to enforce this part in regard to the reporting, delivery, or payment of property more than ten (10) years after the holder either files a report for the period in which the property was reportable or gave express notice to the treasurer of a dispute regarding the property. Notwithstanding this subsection (b), the period of limitation shall be tolled under the following circumstances:
 - (1) The holder failed to file such a report or other express notice with the treasurer;
 - (2) The holder failed or refused to allow the treasurer to examine the holder's books and records pursuant to § 66-29-127;
 - (3) The treasurer or an agent of the treasurer has initiated an audit of the report; or
 - (4) The report was fraudulent.

66-29-119. SALE OF ABANDONED PROPERTY.

- (a) All abandoned property delivered to the treasurer under this part other than money or property of a type customarily sold in a recognized market, or of a type which is the subject of widely distributed price quotations, may be sold by the treasurer, in accordance with procedures approved by the attorney general and reporter, to the highest bidder at public sale at whatever place affords, in the judgment of the attorney general and reporter, the most favorable price for the property involved, or may be disposed of by the treasurer pursuant to § 12-2-112 if real property, or the State Surplus Personal Property Act of 1976, compiled in title 12, chapter 2, part 4. United States government savings bonds and United States war bonds shall be presented to the United States for payment.
- (b)
 - (1) Property of a type customarily sold in a recognized market, or a type which is the subject of widely distributed price quotations, shall, within twelve (12) months following the date the property was advertised, be sold by the treasurer in accordance with the customs prevailing for the sale of such property at the price considered most advantageous by the treasurer.
 - (2) Notwithstanding the provisions of subdivision (b)(1) relative to the timing of the sale of property, the treasurer is authorized to immediately sell such property if such properties are marketable securities and:

- (A) The records of the holder do not reflect the identity of the person entitled to the property; or
- (B) The treasurer determines such property to have a de minimus value. For purposes of this subdivision (b)(2)(B), property shall be deemed to have a de minimus value if the market value of such property held of any one issue is less than five hundred dollars (\$500).
- (c) Any sale of abandoned property, other than property sold under subsection (b), held by the treasurer under this section shall be preceded by a single publication of notice thereof at least three (3) weeks in advance of the sale, in a newspaper having general circulation in the county where the property is sold.
- (d) The purchaser at any sale conducted by the treasurer pursuant to this part shall receive title to the property purchased free from all claims of the owner or prior holder thereof, and of all persons claiming under or through them. The treasurer or the treasurer's duly designated agent shall execute all documents necessary to complete the transfer of title.

66-29-120. DISPOSITION OF PROPERTY HAVING NO COMMERCIAL VALUE.

Any property delivered to the treasurer pursuant to this part which has no apparent commercial value shall be retained by the treasurer until such time as the treasurer determines to destroy or otherwise dispose of it. Prior to the destruction or disposal of any such property, the determination of the treasurer shall be approved by the commissioner of general services and the attorney general and reporter. Once the destruction or disposition of the property has been approved, the treasurer may at any time thereafter destroy or otherwise dispose of such property, and in that event, no action or proceeding shall be brought or maintained against the state or any officer thereof for or on account of any action taken by the treasurer pursuant to this part with respect to such property.

66-29-121. DISPOSITION OF FUNDS.

- (a) Except as provided in subsection (c), all funds received under this part, including the proceeds from the sale of abandoned property under § 66-29-119, shall be available to the state treasurer to permit the prompt payment of claims duly allowed by the state treasurer as hereinafter provided and to meet all costs of administering the program, including, but not limited to, any costs in connection with the acquisition or sale of abandoned property and any cost of mailing and publication in connection with any abandoned property. Of the funds not required for these purposes, in fiscal year 1998-1999, an amount not to exceed two million dollars (\$2,000,000) shall be credited to the health access incentive account created by § 66-29-151 and the remaining amount shall be deposited by the state treasurer in the general funds of the state. In fiscal years 1999-2000, 2000-2001, 2001-2002, and 2002-2003, an amount not to exceed two million five hundred thousand dollars (\$2,500,000), three million dollars (\$3,000,000), three million five hundred thousand dollars (\$3,500,000) and four million dollars (\$4,000,000), respectively, shall be credited to the health access incentive account, subject to appropriation. During each of these fiscal years, any amounts not credited to the health access incentive account shall be deposited by the state treasurer in the general funds of the state. Nothing in this section or § 66-29-151 shall be implemented or construed to reduce the amount of funds to be credited at the end of each fiscal year to the health access incentive account below the two million dollar (\$2,000,000) cap established in Acts 1995, ch. 445. Before making the deposits, the treasurer shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.
- (b) In any fiscal year in which the state treasurer determines, with the concurrence of the commissioner of finance and administration, that claims and administrative costs during such fiscal year exceed funds received under this part during such fiscal year, a sum sufficient shall be appropriated from the general funds of the state to the state treasurer for the payment of such claims and costs.
- (c) For funds received under this part for the report year ending December 31, 1985, and thereafter, the treasurer shall determine each June 30 the amount of such funds remitted by or on behalf of each local government of the state and its agencies which have remained unclaimed for a minimum of eighteen (18) months following their delivery to the treasurer. If the aggregate unclaimed balance exceeds one hundred dollars (\$100), the treasurer upon request of the local government shall pay an amount equal to the aggregate unclaimed balance, less a proportionate share of the cost of administering the program as determined by the treasurer, to the local government, together with a report of the accounts represented by the funds. These funds shall be placed in the local government's general fund, except the local government shall maintain to the extent necessary a sufficient amount of the total unclaimed property accounts to ensure prompt payment.

66-29-122. AGREEMENTS TO LOCATE REPORTED PROPERTY.

- (a) An agreement with an owner whereby the owner is to pay a fee or other remuneration for locating, delivering, recovering, or assisting in the recovery of property that has not yet been reported to the treasurer pursuant to this part is enforceable only if the agreement:
 - (1) Is in writing;
 - (2) Clearly sets forth the nature of the property and the services to be rendered;
 - (3) Is signed by the apparent owner;
 - (4) States the value of the property before and after the fee; and

- (5) Contains such other information as the state treasurer may, by rule and regulation, direct.
- (b) An agreement with an owner whereby the owner is to pay a fee or other remuneration for locating, delivering, recovering, or assisting in the recovery of property that has been reported to the treasurer under this part is enforceable only if the property has been held by the treasurer for a period of one (1) year from the date advertised by the treasurer and if the agreement:
 - (1) Is in writing;
 - (2) Provides for a fee of not more than ten percent (10%) of the value of the recoverable property or fifty dollars (\$50.00), whichever is greater;
 - (3) Clearly sets forth the nature of the property and the services to be rendered;
 - (4) Is signed by the apparent owner; and
 - (5) States the value of the property before and after the fee.
- (c) Nothing in this section shall be construed to prevent an owner from asserting at any time that an agreement to locate, deliver, recover, or assist in the recovery of property is based upon excessive or unjust consideration.

66-29-123. CLAIMS FOR ABANDONED PROPERTY PAID OR DELIVERED - DETERMINATION.

- (a) Except as provided in subsection (d), any person claiming an interest in any property delivered to the state under this part may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the treasurer.
- (b) The treasurer shall consider any claim filed under this part within ninety (90) days and may hold a hearing and receive evidence concerning it. If a hearing is held, the treasurer shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by the treasurer and the reasons for the decision. The decision shall be a public record.
- (c) If the claim is allowed, the treasurer shall make payment forthwith. The claim shall be paid without deduction for costs of notices or for service charges. In the event a claim is made and approved subsequent to the sale of any property pursuant to this part, the claimant's claim shall be limited to the proceeds from the sale without deduction for costs incurred in connection with such sale.
- (d) Any person claiming an interest in any property for which funds have been delivered by the treasurer to a local government pursuant to § 66-29-121 may file a claim thereto with the local government in receipt of the funds. If the claim is allowed, the local government shall make payment forthwith, without deduction for administrative cost or service charges. Any person aggrieved by a finding of the local government may appeal to the treasurer in accordance with subsection (b). If the treasurer finds the claim to be valid, the local government shall issue payment forthwith. The local government shall submit an annual report of claims received on a form prescribed by the treasurer. This report shall be filed before September 1, reporting claims received as of the previous June 30.

66-29-124. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY - PROCEDURE.

- (a) At any time after property has been paid or delivered to the treasurer under this part, another state may recover the property if:
 - (1) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned under this part, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;
 - (2) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;
 - (3) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and, under the laws of that state, the property escheated to or was subject to a claim of abandonment by that state;
 - (4) The property was subjected to custody by this state under § 66-29-103(6) and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or
 - (5) The property is the sum payable on a traveler's check, money order, or other similar instrument that was subjected to custody by this state under § 66-29-103 and the instrument was purchased in the other state and, under the laws of that state, the property escheated to or became subject to a claim of abandonment by that state.
- (b) The claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the treasurer who shall decide the claim within ninety (90) days after it is presented. If the treasurer determines that the other state is entitled to the abandoned property under subsection (a), the claim shall be allowed.
- (c) The treasurer shall require a state, before recovering property under this section, to agree to indemnify this state and its officers and employees against any liability on a claim for the property.

66-29-125. JUDICIAL ACTION UPON DETERMINATIONS.

- (a) Any person aggrieved by a finding of the treasurer under § 66-29-123 or upon whose claim the treasurer has failed to act upon ninety (90) days after the filing thereof, may file a complaint to establish such claim in the chancery court for Davidson County, naming the treasurer as a defendant and joining any other persons who may have an interest in the subject property. The suit shall be brought within ninety (90) days after the decision of the treasurer, or within one hundred eighty (180) days from the date of the filing of the claim, if the treasurer fails to act within such ninety (90) days. A copy of the complaint shall also be served on the attorney general and reporter. The suit shall be tried without a jury. If a decree is rendered against the treasurer, the treasurer shall make payment in accordance therewith as provided in § 66-29-123. Any aggrieved party may appeal the decision.
- (b) (1) Any person who has been determined by the treasurer to be the holder of abandoned property which the treasurer asserts should have been paid or delivered to the treasurer pursuant to this part may file a complaint challenging such determination in the chancery court for Davidson County, naming the treasurer as the defendant and asking the court for a determination of whether the treasurer's determination is valid and correct. The suit must be brought within six (6) months from the date the treasurer issued to the holder a final determination of the amount owed and demand for payment. A copy of the complaint shall also be served on the attorney general and reporter. The suit shall be tried without a jury. Either aggrieved party may appeal to the court of appeals.
- (2) As a condition precedent to the maintenance of any such suit, the person shall either:
- (A) Pay to the treasurer at the time of the person's suit the amount determined by the treasurer to be owed, including any penalties assessed under § 66-29-129; or
- (B) File with the court at the time of the person's suit a corporate surety bond or an irrevocable letter of credit issued by a qualified surety company or bank in a principal amount equal to one hundred fifty percent (150%) of the amount demanded or portion thereof which is challenged by the suit. Any unchallenged amount shall be paid to the treasurer in the manner prescribed in this part. The bond or letter of credit shall be in such form as shall be prescribed by regulations promulgated by the treasurer. For purposes of this subdivision (b)(2)(B), a corporate surety bond company or bank shall be qualified if it meets the requirements of § 67-1-1801(c)(2)(B).
- (3) In the event the suit is withdrawn or dismissed, or final judgment thereon is rendered in favor of the treasurer as to all of the challenged amount:
- (A) The treasurer shall be entitled to retain the amount paid pursuant to subdivision (b)(2)(A) and the court shall order the person who filed the suit to pay to the state reasonable attorneys' fees and expenses of litigation up to twenty percent (20%) of the challenged amount; or
- (B) If the person filed a corporate surety bond or a letter of credit pursuant to subdivision (b)(2)(B), the treasurer shall be entitled to collect the challenged amount and any penalty assessed against the person by enforcement of the bond or the letter of credit. In addition, the court shall order the person who filed the suit to pay to the state such interest as the court may determine proper in accordance with the principles of equity at a rate not in excess of the legal rate as provided in § 47-14-121. The court shall also order such person to pay to the state reasonable attorneys' fees and expenses of litigation up to twenty percent (20%) of the challenged amount.
- (4) In the event final judgment is rendered declaring that the treasurer's determination is invalid in whole, the court shall require the treasurer to:
- (A) Refund to the person any amount paid pursuant to subdivision (b)(2)(A) together with such interest as the court may determine proper in accordance with the principles of equity at a rate not in excess of the legal rate as provided in § 47-14-121 and reasonable attorneys' fees and expenses of litigation up to twenty percent (20%) of the challenged amount; or
- (B) If the person filed a corporate surety bond or a letter of credit pursuant to subdivision (b)(2)(B), the court shall order the treasurer to pay to the person reasonable attorneys' fees and expenses of litigation up to twenty percent (20%) of the challenged amount.
- (5) If the court declares that the treasurer's determination is valid in part, the court shall require each party to bear its own attorneys' fees and expenses and to further require:
- (A) The treasurer to refund to the person such part of the property paid pursuant to subdivision (b)(2)(A) as the court declared to be invalid together with such interest as the court may determine proper in accordance with the principles of equity at a rate not in excess of the legal rate as provided in § 47-14-121. The treasurer shall be entitled to retain the remaining amount; or
- (B) If the person filed a corporate surety bond or a letter of credit pursuant to subdivision (b)(2)(B), the treasurer shall be entitled to collect the amount owed and any penalty assessed thereon against the person by enforcement of the bond or the letter of credit. In addition, the court shall order the person who filed the suit to pay to the state such interest as the court may determine proper in accordance with the principles of equity at a rate not in excess of the legal rate as provided in § 47-14-121.

66-29-126. [REPEALED.]

66-29-127. EXAMINATION OF RECORDS.

- (a) The treasurer may at reasonable times and upon reasonable notice examine the records of any person to determine whether the person has complied with the provisions of this part. The treasurer may conduct the examination even if the person believes it is not in possession of any property reportable or deliverable under this part.
- (b) The comptroller of the treasury and the various regulatory and taxing agencies of this state shall report to the treasurer any property presumed to be abandoned under this part, held by any person subject to their supervision, regulation or examination, and discovered by them during the course of such supervision, regulation, or examination.

66-29-128. PROCEEDINGS TO COMPEL DELIVERY OF ABANDONED PROPERTY.

If any person refuses to deliver property to the treasurer as required under this part, the treasurer shall bring an action in a court of appropriate jurisdiction to enforce such delivery.

66-29-129. PENALTIES - RECONSIDERATION BY TREASURER - COMPLAINT.

- (a) Should the treasurer find that any person who has received notice that such person is subject to this part, as reflected on the records of the treasurer, has failed to render any report or perform other duties required under this part, the treasurer shall order such person to pay to the treasurer a civil penalty of twenty-five dollars (\$25.00) for each day the report is withheld or for each day the duties are not performed; provided, that the amount of such civil penalty shall not exceed one thousand dollars (\$1,000).
- (b) (1) Should the treasurer find that any person has failed to pay or deliver abandoned property to the treasurer as required under this part, the treasurer shall order such person to pay to the treasurer a civil penalty equal to ten percent (10%) of the value of the property for each year the property is not paid or delivered; provided, that the amount of such civil penalty shall not exceed twenty-five percent (25%) of the value of such property or fifty thousand dollars (\$50,000) whichever is less. This civil penalty shall not apply to inadvertent omissions to pay or deliver all property reportable during a given year. For purposes of this subdivision (b)(1), an "inadvertent omission" means the failure to pay or deliver property having a value of less than ten percent (10%) of the total value of the property reportable during that year.
- (2) Notwithstanding the provisions of subdivision (b)(1) to the contrary, if the property was identified or collected through a third party agent pursuant to § 66-29-134, the civil penalty shall equal the greater of that provided for in subdivision (b)(1) or the amount of the fees paid by the state to the third party agent for identifying or collecting such property.
- (c) The treasurer shall have the authority not to assess a penalty pursuant to this section or to waive any penalty that is assessed pursuant to this section.

66-29-130. RULES AND REGULATIONS.

The treasurer is hereby authorized to make necessary rules and regulations to carry out the provisions of this part.

66-29-131. EFFECT OF LAWS OF OTHER STATES.

This part shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to March 6, 1978.

66-29-132. EFFECT ON OTHER TENNESSEE STATUTES.

- (a) In the event that the provisions of this Uniform Disposition of Unclaimed Property Act are in conflict with other provisions of state law, the provisions contained in this chapter will prevail so as to effectuate the intent of this part. In the event the provisions of this part are in conflict with the provisions of title 55, chapter 16, the provisions contained in title 55, chapter 16 will prevail, it being the intent of the general assembly that title 55, chapter 16 will continue to govern unclaimed or abandoned motor vehicles.
- (b) Title 55, chapter 16, governing unclaimed or abandoned motor vehicles, is hereby considered, ratified, and affirmed as if specifically reenacted.

66-29-133. UNIFORMITY OF INTERPRETATION.

This part shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it. Nothing in this part shall be construed as superseding any of the provisions of title 55, chapter 16.

66-29-134. AGENTS FOR ENFORCEMENT OF CHAPTER.

The treasurer may appoint agents within this state or outside this state for the purpose of carrying out the provisions of this part.

66-29-135. GIFT CERTIFICATES.

- (a) A gift certificate issued in the ordinary course of an issuer's business is presumed abandoned if it remains unclaimed by the owner upon the earlier of:
 - (1) The expiration date of the certificate; or

(2) Two (2) years from the date the certificate was issued.

The amount presumed abandoned is the price paid by the purchaser for the gift certificate.

- (b) Notwithstanding subsection (a) to the contrary, if a gift certificate issued after December 31, 1996, is redeemable for merchandise only, then the amount presumed abandoned is sixty percent (60%) of the price paid by the purchaser for the certificate.
- (c) Notwithstanding this section or any other provision of the law to the contrary, a gift certificate issued after December 31, 1998, shall not be abandoned property and shall not be subject to this part if the issuer of the certificate does not impose a dormancy charge and when the gift certificate:
 - (1) Conspicuously states that the gift certificate does not expire;
 - (2) Bears no expiration date; or
 - (3) States that a date of expiration printed on the gift certificate is not applicable in Tennessee.
- (d) Property described above, without regard to any activity or inactivity within the past five (5) years, shall also be presumed abandoned if the owner thereof is known to the holder to have died and left no one to take such property by will and no one to take such property by intestate succession.

66-29-136. WAGES.

Unpaid wages, commissions, expense payments, fees for professional services and other amounts paid for personal services that are includable as gross income under the federal Internal Revenue Code, including any such payments represented by unrepresented items, owing in the ordinary course of the holder's business, which remain unclaimed by the owner for more than one (1) year after becoming payable are presumed abandoned. This property, without regard to any activity or inactivity within the past one (1) year, shall also be presumed abandoned if the owner of the property is known to the holder to have died and left no one to take such property by will and no one to take such property by intestate succession.

66-29-137. AGREEMENTS TO ASCERTAIN WHEREABOUTS OF PROPERTY'S OWNER.

Any holder of property not yet abandoned pursuant to this part may enter into such agreements as may be necessary to ascertain the whereabouts of the owner; provided, that no costs associated with such agreements shall be deducted from the property nor charged to the owner.

66-29-138. UNCLAIMED DEMUTUALIZATION PROCEEDS.

- (a) Notwithstanding any provision of this part or any other law to the contrary, unclaimed property payable or distributable in the course of the demutualization of an insurance company is presumed abandoned three (3) years after the earlier of the date:
 - (1) Of last contact with the policyholder; or
 - (2) The property became payable or distributable.
- (b) The report that is required to be filed on or before May 1, 2004, pursuant to § 66-29-113 shall include demutualization distribution property for which there has been no policyholder contact for the three years prior to December 31, 2003.

66-29-139 - 66-29-150. [RESERVED.]

66-29-151. HEALTH ACCESS INCENTIVE ACCOUNT - PROGRAM FOR LOCATING PRACTITIONERS.

- (a) There is hereby created within the state treasury a special account to be known as the "health access incentive account." Money shall be deposited to the account pursuant to § 66-29-121 and as may be otherwise provided by law and shall be invested for the benefit of the account pursuant to § 9-4-603. Amounts in the account shall not revert to the general fund of the state but shall, together with interest income credited to the account, remain available for appropriation by the general assembly for the purpose set forth in subsection (b). Notwithstanding any language in this section to the contrary, an amount equal to the corpus which remained in the health access account on June 30, 1994, shall be transferred to the general fund. In the event the corpus funds available at the time of transfer are less than the aforementioned 1994 balance, then the total amount of the corpus and the health access incentive account balance, not to exceed \$26,152,543.47 shall be transferred. Notwithstanding any language in this section to the contrary, the sum of one million six hundred thousand dollars (\$1,600,000) which remained in the health access incentive account on June 30, 1996, shall be transferred to the general fund.
- (b) The commissioner of health shall direct these funds, subject to the approval of the commissioner of finance and administration, to programs designed to enhance health access. The programs may include, but not be limited to, funding for services provided by federally qualified health centers, recruitment incentives, community initiatives, service-linked training opportunities, support for high technology/telecommunications efforts and other strategies to expand primary, obstetric and dental health care services in underserved areas. Pursuant to a finding of need by the commissioner, the health access program may also address the lack of adequate access in underserved areas to other health care providers and health care services such as emergency medicine, mental health care and prevention treatment services for low income, pregnant substance abusers.

- (c) The commissioner of health is authorized to promulgate rules and regulations to carry out the commissioner's responsibilities under this section.

66-29-152. LAWFUL CHARGES OR DEDUCTIONS - NOTICE.

- (a) Charges or deductions described in §§ 66-29-104, 66-29-106 and 66-29-112 shall be deemed “lawful” if:
- (1) The holder has given prior constructive or actual notice to the owner that such charges or deductions may be imposed. Actual notice is given if the holder obtained written consent to the charges or deductions from the owner. Constructive notice is given if the holder implements a new charge or deduction policy or increases the amount of the charge or deduction after the holder takes possession of the owner’s property and the holder sent correspondence in writing to the owner by first class or superior mailing disclosing the new charge or deduction policy or increase, and such correspondence was not returned by the post office;
 - (2) The charges or deductions are not imposed retroactively in order to reduce the value of or eliminate the property after the property is presumed abandoned; and
 - (3) The charges or deductions are not routinely refunded or cancelled when the property is claimed by the owner.
- (b) Charges or deductions described in subdivisions (a)(1) and (2) shall not be unlawful for purposes of this section if such charges or deductions were withheld prior to April 25, 1991.

66-29-153. UNCLAIMED MONEYS HELD BY TENNESSEE TEMPORARY JOINT UNDERWRITING ASSOCIATION AND STATE RESERVE FUND.

Unclaimed moneys held by the Tennessee temporary joint underwriting association and the stabilization reserve fund shall be deemed abandoned under the provisions of § 66-29-108, and shall be delivered to the state treasurer with a list of the policyholders’ names, last known addresses, and the amount due to each policyholder. The delivery of such unclaimed moneys shall be made on or before the end of the one-year “wind-down” period, or June 30, 1992. Upon compliance with this authorization, the Tennessee temporary underwriting association, the stabilization reserve fund, and their officers and directors, shall be discharged and relieved of any and all further responsibility for such moneys. The state treasurer shall receive such funds and otherwise proceed under the provisions of this chapter.

66-29-154. CONFIDENTIALITY OF RECORDS - DISCIPLINARY ACTION.

- (a) Notwithstanding any law to the contrary, working papers obtained or compiled by the treasurer, or the treasurer's agents, employees, or designated representatives, in the course of conducting an audit for unclaimed property under this part, and any information that identifies the fact that a particular person, institution, business, or entity was or is the subject of an audit under this part are confidential and are not public records, except as follows:
- (1) To the extent that the person, institution, business, or entity that was or is the subject of the audit consents to disclosure;
 - (2) To the treasurer, or to employees, agents or representatives of the treasurer for the purpose of administering this part;
 - (3) In compliance with a subpoena or a court order;
 - (4) In joint unclaimed property examinations or audits conducted by the treasurer with or pursuant to an agreement with another state, federal agency or any other governmental subdivision, agency, or instrumentality;
 - (5) To the comptroller of the treasury or the comptroller's designees for the purpose of audit; or
 - (6) In the course of any action or proceeding by the treasurer or the treasurer's employees, agents or representatives to collect unclaimed property, to collect any unpaid interest due on unclaimed property, or to otherwise enforce this part.
- (b) For purposes of this section, “working papers” means those records created to serve as an input for final reporting documents.
- (c) All final reports submitted to the treasurer pursuant to § 66-29-113 are records open to the public, including the identity of the holders that submit the reports; provided, however, that any information included in a final report that identifies the fact that the holder was the subject of an audit conducted under this part shall be redacted prior to disclosure unless the disclosure falls within one (1) of the exceptions provided for under subsection (a).
- (d) The state treasurer shall have sole discretion to implement disciplinary actions against any employee, agent or representative of the treasurer who intentionally discloses records that are deemed confidential under this section, including, but not limited to, terminating a contract with any vendor that violates this section.

BANKS AND FINANCIAL INSTITUTIONS

TENNESSEE CODE ANNOTATED, SECTION 45-2-907

45-2-907. SPECIAL REMEDIES FOR NONPAYMENT OF RENT.

- (a) Notice. If the rental due on a safe deposit box has not been paid, the lessor shall, not sooner than thirty (30) days nor later than four (4) years after such rental was due, send a notice by certified mail, return receipt requested, or by registered mail to the last known address of the lessee, stating that unless payment of the rental is made within thirty (30) days after the date of such notice:
- (1) The safe deposit box will be opened and its contents stored for a minimum of one (1) year at the expense of the lessee;
 - (2) Without additional notice to the lessee, the contents may be offered for sale and unsold or unsalable items will be destroyed; and
 - (3) The proceeds of the sale, less expenses, unpaid rental charges, and storage will be transferred to the state treasurer pursuant to title 66, chapter 29, part 1.
- (b) Inventory and Report to State Treasurer. If the rental is not paid within thirty (30) days from the mailing of the notice, the box shall be opened in the presence of an officer or employee of the lessor and a notary public who also may be, but is not required to be, an officer or employee of the lessor. Such persons shall take an inventory of the contents of the safe deposit box. The contents, together with the inventory, shall be sealed in a package by the notary public who shall write on the outside the name of the lessee and the date of the opening. The lessor shall report the name and last known address of the lessee and the contents of the box, as attested by the notary public, to the state treasurer pursuant to title 66, chapter 29, part 1. The report shall be delivered to the state treasurer in a format as prescribed by the state treasurer and shall be due on May 1 of the year following the calendar year in which the box is opened. The package shall then be retained by the lessor at a rental not exceeding the rental charges for the box.
- (c) Disposition of Property. Prior to an auction or sale, the following types of property may be rejected as unsalable by an independent appraiser, an auctioneer, or the lessor and disposed of in the following manners:
- (1) Documents or writings of a private nature having little or no apparent value may be destroyed by the lessor;
 - (2) Coins or currency with a face value of twenty dollars (\$20.00) or less each which are valued at no more than twice the face value, shall be treated as proceeds from a sale and deposited as provided in subsection (e);
 - (3) Coins or currency with a face value of greater than twenty dollars (\$20.00) each which are valued at one hundred twenty-five percent (125%) or less of face value, shall be treated as proceeds from a sale and deposited as provided in subsection (e);
 - (4) Any tangible item having an estimated sale value of less than twenty-five dollars (\$25.00) may be destroyed by the lessor; provided, that the aggregate value of all such items for a specific lessee does not exceed two hundred fifty dollars (\$250); and
 - (5) Any tangible property including, but not limited to, stocks, bonds and promissory notes, shall be delivered to the state treasurer pursuant to title 66, chapter 29, part 1.

A current version of any recognized numismatist publication may be utilized for purposes of valuation of coins and currency.

- (d) Sale of Property. If the contents of the safe deposit box have not been claimed and redeemed by the payment of charges within one (1) year after filing the report with the state treasurer, but not before May 1 of the succeeding year, the lessor shall sell the contents of the box at public auction or by other commercially reasonable sale at whatever time and place affords, in the judgment of the lessor, the most favorable price for the property involved. For purposes of this section, "commercially reasonable" is a sale that would be commercially reasonable under § 47-9-504. A lessor may sell the contents of safe deposit boxes in a sale conducted exclusively for the lessor, or in a sale conducted jointly for the lessor and any number of other financial institutions or other entities. The time, place and manner of any public sale shall be posted conspicuously on the premise, of the lessor and advertised once in a newspaper of general circulation in the community, or in some other commercially reasonable manner of advertising. Property sold through other than a public auction shall be appraised, in writing, by a person who does not acquire the appraised contents and who is regularly engaged in the business of appraising, buying or selling like merchandise, or any other combination thereof. Firearms shall be sold through a federal firearm licensed dealer, or if sold at public auction, through an auctioneer who possesses a federal firearm license.
- (e) Disposition of sale proceeds. The monetary proceeds resulting from any sale conducted pursuant to this section, after deducting accumulated charges, including a proportionate share of the expense of advertising and conducting the sale, shall be deposited to the credit of the lessee in any existing account maintained by the lessor on behalf of the lessee; provided, that such deposit shall not constitute account activity under title 66, chapter 29, part 1. If no account exists, proceeds shall be delivered to the state treasurer pursuant to title 66, chapter 29, part 1.
- (f) Immunity for Destruction of Property. Property offered for sale at a public auction or other commercially reasonable sale for which no purchaser exists shall be destroyed by the lessor and no action or proceeding may be maintained against the lessor, the independent appraiser or auctioneer, the state treasurer or any of their employees for or on account of such action. If, prior to such sale, such property is rejected by an independent appraiser or auctioneer in accordance with subsection (c), such property shall be destroyed by the lessor and no action or proceeding may be maintained against the lessor, the independent appraiser or auctioneer, the state treasurer or any of their employees for or on account of such action.
- (g) Final Report. After disposition of all contents of a safe deposit box, the lessor shall provide to the state treasurer an updated inventory on the contents of such box, together with property not sold pursuant to subdivision (c)(5). Such report shall include information that the state treasurer may, by rule and regulation, direct.

CONSUMER PROTECTION ACT OF 1977

TENNESSEE CODE ANNOTATED, SECTION 47-18-127

47-18-127. GIFT CERTIFICATES.

- (a) Subject to subsection (d), no person or entity shall sell a gift certificate to a purchaser containing an expiration date that is less than two (2) years after the date the gift certificate is issued or shall charge a fee for the issuance of a gift certificate.
- (b) No person or entity, within two (2) years after a gift certificate is issued, shall charge service charges or fees relative to the gift certificate, including dormancy fees, latency fees, or administrative fees that have the effect of reducing the total amount for which the holder of the gift certificate may redeem the gift certificate.
- (c) A gift certificate sold without an expiration date is valid until redeemed or replaced with a new gift certificate.
- (d) Subsections (a) and (b) shall not apply to a gift certificate that is:
 - (1) Distributed by the issuer to a consumer pursuant to an awards, loyalty, or promotional program without any money or anything of value being given in exchange for the gift certificate by the consumer;
 - (2) Sold below face value at a volume discount to employers or given or sold below face value to nonprofit or charitable organizations for fundraising purposes;
 - (3) Sold by a nonprofit or charitable organization for fundraising purposes;
 - (4) Given to an employee by an employer, if use of the gift certificate is limited to the employer's business establishment, which may include a group of merchants that are affiliated with the business establishment;
 - (5) Usable with multiple, unaffiliated sellers of goods or services; or
 - (6) Issued by an employer to an employee in recognition of services performed by the employee.
- (e) A gift certificate does not include a prepaid calling card used to make telephone calls.

615-253-5362
www.tn.gov/treasury/unclaim/
UCP.holders@state.tn.us
State of Tennessee Treasury Department
Unclaimed Property Division
P.O. Box 198649
Nashville, Tennessee 37219-8649

*If undeliverable to addressee, please
forward to Chief Financial Officer.*